

An exact Collection of choice  
**DECLARATIONS,**

WITH  
Pleas, Replications, Rejoynders, Demurrers,  
Assignement of Errours:

AND  
**THE ENTRIES OF JUDG-**  
ments thereupon affirmed.

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*Collected by VV. S. one of the Clerks of the  
Upper Bench Office :*

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In the Reignes of Queene **ELIZABETH,**  
King **JAMES,** and the late King **CHARLES.**

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**DILIGENTLY PERUSED, AND TRAN-**  
lated into English, for the benefit and helpe of young  
Clerkes.

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*With an exact TABLE, wherein may be found the Principall  
matters contained in the whole Book.*

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*29 Feb: 1652*  
**L O N D O N,**

Printed by T.W. and T.R. for John Place, and are to be  
sold at his Shop at Furnivalls Inne Gate in  
Holborne, 1653.







## TO THE READER.

Courteous Reader,



Know that this painefull Worke, by the Authors own hand was diligently composed, not imagining that these ensuing Presidents, collected for his private use, should ever have worn an English Garment, or be seen without a Court-Character; but (being very aged) and knowing that the Ports and safe Harbors of good Declarations, Pleadings, Replications, Rejoynders, Sur-rejoynders, Demurrers, Assigning of Errours, with divers other matters incident, & appertinent to an Upper Bench Clerk, an Index whereof in this little of great you may finde, and more particularly knowing with what ardency and fervour of affection the Author by these his practical observations, for wel nigh 60 years past, have by his cautious Marginal Notes in this Book comprised, prevented the many irrevocable downefalls of Causes, that young Clerks to their owne dishonour, and the ruine, sometimes of their Clyents, for want of good and learned Presidents, have suffered a miserable shipwrack: and for that the Author during all the time aforesaid, have had, and as yet hath, the favourable aspect of the Judges in the upper Bench, and the approbation of the best Clerks in the said Court now living, and is reputed for a good, Just, learned, and painfull Attorney, and that

## To the Reader.

*in his old age he might live in his Works, and be some help and furtherance to young Clerks, who intend to be Attorneys, and declare themselves in English, as they are, and shall be obliged by the late Act of Parliament, and the Supream Authority of this Nation, he doth lovingly admonish them to make use of these, if they cannot frame better, (which I think impossible.) I am confident the Author (if God permit) will recollect some other scattered Papers which have layn a long time in darknesse, but will without doubt when they come forth illuminate their Judgements, and abolish some Errors which are daily committed for want of well declaring and pleading. Some ancient Clerkes may be offended, but I care not, Non nobis solum nati sumus, &c. The few Vicia Scriptor' in the Author are amended, what oversights or neglects, you may impose upon the Printers, you shall have thanks to amend; which is all that I expect, and more then the Collector of these Presidents hath yet had: And so I conclude in the words of a grave Lawyer, Nihil aliud in his reportare cupio, quam ut eruditior quispiam istis provocatus, doctiora scriberet promulgetq;*

*Farewell.*

*J. W.*



# ACTIONS OF ABATEMENT.

## ABATEMENT.



ND the aforesaid *I. T.* and *I. D.* by *R. D.* their Attorney come and defend the force and injury, when, &c. and pray Judgement of the Writ aforesaid, because they lay, that the aforesaid *T. G.* the aforesaid fourteenth day of *August*, whereon, as is supposed, the Entrie aforesaid to be made, had nothing in the Mannor aforesaid, with the appurtenances, unlesse in common and undivided, with one *W. C.* Esquire, which said *W.* as yet is alive, and remains in perfect Health, and is not named in the Writ aforesaid, And this they are ready to averre, whereupon they pray Judgement of this Writ.

The Defendants plead in Abatement to the Writ, that the Plaintiff, and another Stranger are Tenants in Common, and the other not named in the Writ.

AND the aforesaid *T. G.* saith, that his Writ aforesaid, for the reason, prealleged, ought not to be abated, because he saith, that long before the aforesaid fourteenth day of *August*, wherein the Entrie aforesaid was made, one *I. G.* Father of him the said *T.* whose Heir he is, was seized of the Mannor aforesaid, with the appurtenances, in his Demesne, as of Fee, and so being thereof seized, of such his Estate died seized; After whose death, the Mannor aforesaid, with the appurtenances, did descend to him the said *T. G.* as to the Son and Heir of him the said *I. G.* by vertue whereof, the same *T.* into that Mannor, with the appurtenances, after the death of the aforesaid *I. G.* as Son and Heir of the aforesaid *I.* did Enter, and was thereof sole seized in his Demesne, as of Fee, at the time of the Entrie aforesaid made, and afterwards, Without that, that the same

The Defendant pleads the sole seisin in himself, and traverses, &c.

## Abatement.

Traverse the  
Tenure in  
Common.

same *T. G.* the same fourteenth day of *August*, held the Mannor aforesaid in common, and undivided, with *W. C.* aforesaid, in the form wherein the aforesaid *I. and I.* above have alleged, And this, &c. whereupon he prayes Judgement, whether his Writ aforesaid, for the reason before alleged, ought to be abated, &c.

Issue upon the  
Traverse.

And the aforesaid *I. and I.* say, that the aforesaid *T. G.* the aforesaid fourteenth day of *August*, held the Mannor aforesaid, with the appurtenances, in common and undivided, with the aforesaid *W. C.* in the form wherein the same *I. and I.* have above alleged; And of this they put themselves upon the Country, And the aforesaid *T. G.* in like manner, &c.

Misnomer of  
the Town  
wherein the  
Entrie and  
Trespas is  
supposed to be  
Committed,  
pleaded in  
Abatement.

AND the aforesaid *I. F. I. W.* and *I. P.* by *W. F.* their Attorney, come and defend the force and injury, when, &c. And all contempt, and whatsoever, &c. And pray Judgement of the Originall Writ, of the Plaint aforesaid, Because, whereas the aforesaid *T. L.* by the same Writ, supposeth that the aforesaid *I. F. I. W.* and *I. P.* into the Mannors aforesaid, with the appurtenances, in *F. O.* and other Villages (as in the Writ, &c.) were entred; The same *I. F. I. W.* and *I. P.* say, that within the County of *N.* aforesaid, there is not had, nor at the time of the obtaining the aforesaid Writ was there had, any Town, any Hamlet, or place known, out of any Town, and any Hamlet known, or called by the name of *Odnoggo*. And this, &c. Whereupon they pray Judgement of that Writ, &c.

The Plaintiff  
replies, that  
there is no  
Misnomer,  
and thereupon  
takes issue.

And the aforesaid *I. W.* sayes, that his Writ aforesaid, for the Reason prealleged, ought not to abate, because he sayes, that at the aforesaid time of the obtaining of the Originall Writ of the Plaint aforesaid, to wit, the twelfth day of — in the twenty fourth year of the Reign of our Lord the King that now is, within the City aforesaid, was had, and as yet is had, a certain Town, known, and called by the name of *Odnoggo*, as by the Writ aforesaid is supposed, And this he prayes may be Enquired of by the Countrey, And the aforesaid Defendants in like manner, &c. Therefore Command is given unto the Sheriff of *N.* that he cause to come before our Lord the King (such a day) wheresoever, &c. twenty four, aswell Knights, &c. of the body of the County of *N.* by whom, &c. And who neither, &c.

Misnomer  
of the Additi-  
on pleaded in  
Abatement.

AND the aforesaid *W. P.* in his proper person, comes and defends the force and injury, when, &c. And all content, and whatsoever, &c. And sayes that he at the time of the obtaining of the Originall Writ of the Plaint aforesaid, was of the Societie of *Clements* Inne, in the Parish of *St. Clements Danes* without the Barres, a Member of the middle Temple *London*, which said Societie is, and at the time of the obtaining of the same Writ, and long before was a certain



certain Societie of Men, Expert in the Temporall Lawes, and practising the same, as also of Counsellours of the same Law, VVithout that, that the same VV. at the time of the obtaining the same Writ was VV. P. of London, Mercer, or by that name known or called, as by the same Writ is supposed, and this, &c. VVhereupon he prayes Judgement of that VVrit, &c.

Traverse.

And the aforesaid I. sayes, that his VVrit aforesaid, for the reason aforesaid, ought not to abate, because he saith that the aforesaid VV. at the time of the obtaining the same VVrit, to wit, the sixteenth day of June, in the eighteenth year of our Lord the King, was W. P. of London Mercer, and by that name known, and called, as by the same Writ is supposed; And this he prayes may be inquired of by the Countrey, And the aforesaid W. in like manner, &c.

Issue upon the Traverse.

ff. **W**illiam Pole of London, Smith, was Attached to answer I. W. of a Plea of Trespais, And the same person, which by the name of W. P. of London, Smith, by the Sheriffs of London is taken, and by the same Sheriffs brought to the Bar, in his proper person comes, and sayes that he at the time of the obtaining of the Originall Writ of the Plaint aforesaid, and alwayes afterwards, was known, and called by the name of William Cuason of London, Smith, Without that, that he at the obtaining of the same Writ, or ever afterwards, was known, or called by the name of W. P. of London, Smith, as by the same Writ is supposed; And this, &c. whereupon he prayes Judgement of that Writ, &c.

Misnomer in the Surname pleaded in Abatement.

Traverse.

**A**ND the aforesaid I. C. sayes, that his Writ aforesaid for the reason, &c. ought not to abate, because he saith, that at the time of the obtaining of the same Writ, that is to say (such a day and year) the same W. was indifferently known, and called, as well by the name of VV. P. of L. S. as by the name of VV. C. of L. S. And this, &c. VVhereupon he prayes Judgement, whether his VVrit aforesaid ought to abate, &c.

The Plaintiff replies that he is known, and called as well by the one, as by the other.

**A**ND the aforesaid VV. sayes, that he at the time of the obtaining of the aforesaid VVrit, and ever afterwards, was known, and called by the name of VV. Cursen, of London, Smith, as he above hath alleged, without that the same VV. at the same time, or ever afterwards, was indifferently known and called, as well by the name of VV. P. of L. Smith, as by the name of VV. C. of London, Smith, And of this he puts himself upon the Countrey, and the aforesaid Plaintiff in like manner, &c. Therefore the Jury is to come out of the body of the Countrey, &c.

Issue upon the Misnomer.

### *Abatement.*

Note.

It is to be known, if the party come freely out of Prison, then the Entric ought to be thus ( And thereupon he bring<sup>d</sup> his Sure, &c.)

And *VV. C. of London, Smith*, in his proper person comes, and sayes that he is the same person against whom by the name of *W. P. of L. Smith*, the aforelaid *I.* brought his Originall *VVrit* aforelaid, And defends the force and injury, when, &c. and sayes that he, &c. ( as before, &c.) And the aforelaid *I. C.* sayes, that it is well and true, that the same person which now appears by the name of *VV. C. of London, Smith*, is the same person against whom the same *I. C.* by the name of *W. P. of London, Smith*, brought his *VVrit* aforelaid, And sayes further, that his same *VVrit*, for the reason pre- alleged, ought not to abate, because he sayes ( as before, &c.)

Note.

Note, where the partie comes in by *Cepi Corpus*, there the Entric must be made as before in the other Plea aforelaid, &c.

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## ACTIONS

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# ACTIONS OF APPEAL.

## APPEAL.

f.



*Oan Govor of, &c. John Govor of, &c. Richard Hopkins of, &c. Thomas Ireland of, &c. and William Quick of, &c. were attached by their bodies, &c. to answer Thomas Berd, together with William Podie, of, &c. and others, of a Robbery and breach of the Peace of our Lord the King that now is, whereof they are Appealed, And there are Pledges, &c. to will, &c. And where-*

Appeal of Robbery against the Principals and Abettors, Trin. 24. Hen. 6. Roll. the 25.

upon the same *Thomas Berd* in his proper person instantly Appeales the aforesaid *Joan*, and others, for that where as the aforesaid *Thomas Berd* was in the peace of God and of our Lord the King that now is, at *Huish* neer *Highbbrig* on Wednesday next after the Feast of the Invention of the holy Cross in the 24. year of the Reign of our Lord the King that now is, about the hour of ten before noon of the same day, where came aswell the aforesaid *Joan* and others, who now appear, as the aforesaid *William Podie, &c.* who now appear not, whom the aforesaid *Thomas Berd* of the Robbery aforesaid might appeal if they were present, to be Felon and Felons of our Lord the King that now is, lying in wait, and premeditating the assault against the peace of our Lord the King that now is, his Crown and dignities, the day, year, hour, place, and County of *Somerset* aforesaid, And the aforesaid *Thomas Ireland*, and others, the aforesaid *Thomas Berd* of forty Sheep, eight pair of Sheers,

Some of the Defendants appear and others do not appear.

and



# Appeal.

and other Goods, &c. of the Goods and Chattels of the aforesaid *Thomas Berd* then and there found feloniously did rob, take, and carry away, And the aforesaid *Joan* and others then and there were present, comforting and helping the aforesaid *Thomas Ireland* and others to make the aforesaid felony in form aforesaid, And so soon as they the said Felons, the Felonie and Robbery aforesaid in form aforesaid had done, they fled, And the same *Thomas Berd* them speedily followed from Town to Town unto the four next adjoining Villages, And with or untill, &c. And if the same Felons, who now appear, the Felonie aforesaid of the Robbery aforesaid upon them above put, will denie, the same *Thomas Berd* is here ready to prove this against them as the Court, &c. And the aforesaid *Joan* (and some of the Defendants) in their proper persons, came and defended the force and injury, when, and all Felony, and whatsoever, &c. And say that they are not guilty, And of this they put themselves, &c. And the aforesaid *Thomas Berd* in like manner, &c. Therefore the Jury thereupon is to come before our Lord the King in eight dayes of the Purification of the blessed Virgin *Mary*, And who neither, &c. to Recognize, &c. Because aswell, &c. The same day is given to the parties now appearing, And upon this the same *Joan*, and *Thomas Ireland*, and others, are delivered over in Bayl unto *John Methole* of, &c. and three other Manucaptors, &c. before our Lord the King at the aforesaid Town, &c. At which day before, &c. the aforesaid *Thomas Berd* solemnly called to appear came not, And the aforesaid *Joan Gover* and others in their proper persons came, And the aforesaid *Joan Gover*, and *Thomas Ireland*, although solemnly called the fourth day of the Plea came not, upon which the aforesaid *John Methole* one of the Pledges of the aforesaid *Thomas Ireland* in his proper person came, And said that the same *Thomas Ireland* is dead, and dyed at *Huish* neer *Highbrigs* in the said County of *Somerset* long before the said eight dayes of the Purification, &c. to wit (such a day) and this he is ready to avow, whereupon he presumeth our Lord the King, him upon the aforesaid occasion would acquit, &c. And upon this for that, that it is sufficiently here in Court by credible men of the aforesaid Country testified, that the aforesaid *Thomas Ireland* is dead, and dyed in the form which is by the aforesaid *John Methole* above alleged, which *Thomas Croswell* who prosecutes for our Lord the King on that behalf denyeth not, It is considered that the process against the aforesaid *Thomas Ireland* and his pledges aforesaid on that behalf should cease, &c. And that the Manucaptors of the aforesaid *Joan Gover* be taken, &c. And command is given to the Sheriff, that he cause to be required the aforesaid *Joan* from County to County untill, &c. she be wayved if not, &c. And if, &c. then

Not guilty for  
some of the  
Defendants.

Bayl for some  
of the Defen-  
dants.

Default after  
Issue by one.

One of the  
Defendants  
dead.

Cease of Pro-  
cess as to one  
and his Bayl  
by death.  
Exigent a-  
gainst one  
who makes  
default after  
Issue.



then he take her, and her safely, &c. So that he have her body before our Lord the King from the day of Easter in one month wheresoever, &c. And upon this for that the aforesaid *Thomas Berd*, the appeal aforesaid against the aforesaid *John Govor* and others in form aforesaid prosecuteth not, It is considered that the same *Thomas Berd* be taken, &c. And his pledges aforesaid of prosecuting be in mony, &c. And that the aforesaid *John Govor* of, &c. and others who above appeared, as to the Sure of the aforesaid *Thomas Berd*, go without day, &c. But as to the satisfying of our Lord the King being instantly spoken to, in what manner of the premises upon them above put they would acquit themselves, they say severally they are not guilty, &c. And thereof of good or ill severally put themselves upon the Country, Therefore the Jury thereupon is to come before our Lord the King in eight dayes of *St. Hillary*, wheresoever, &c. And who neither, &c. to Recognize, &c. because aswell, &c. The same day is given to the parties aforesaid, &c. And upon this the aforesaid *John Govor* and others are delivered unto Bayl unto *William Trigo* and three other Manucaptors untill the aforesaid Term, &c. And so from day to day untill, &c. At which day before our Lord the King at *Westminster* came the aforesaid *John Govor*, and others in their proper persons, and the Sheriff returns the names of 24. Jurors whereof none, &c. Therefore command is given to the Sheriff that he should not omit, &c. but destroy, &c. by all the Lands, And that of the issues, &c. And that he have the bodies of them before our Lord the King from the day of Easter in fifteen dayes wheresoever, &c. or before the beloved, and faithfull of our Lord the King *R. N. Knight*, chief Justice of our Lord the King of his Bench, if before on Thursday next after, &c. at &c. by form of the Statute, &c. come to make the Jury aforesaid, &c. The same day is given to the aforesaid *John Govor*, and others, &c. And the Proceſs thereupon continued by the Jury thereupon put, It is put in respite before our Lord the King untill from the day, &c. Unless the Iustices of our Lord the King at the Assizes, &c. first (such a day &c.) at, &c. by the form of the Statute, &c. comes for default of Jurors, &c. At which said fifteen dayes from the day of Easter before our Lord the King at *Westminster* came the aforesaid *John Govor* and others, &c. in their proper persons, And the aforesaid Iustices at the Assizes, &c. before whom &c. sent the Record, &c. in those words, afterwards the day and place within contained before, &c. came the aforesaid *John Govor*, &c. in their proper persons, and the Jurors, &c. being called in like manner came. And upon this Proclamation being made as the manner, as if any for the Lord the King could enform the Jurors of the Jury, whereof within

Judgement against the Plaintiff by default.

Not guilty as to the King.

Bayl for those that are acquitted by default.

*Veni facias.*

*Distringas Jur.*

*Ni. pri.*

Continuance of the Jurat.



Verdict for  
the Defen-  
dants.

Damages for  
the Defen-  
dants.

Avowment  
that the  
Plaintiff had  
not where-  
with to satis-  
fy the Dama-  
ges.

The Jury find  
he hath As-  
sets.

The Jury find  
no Abettors  
because the  
Principals  
are quit:

within is made mention of the within-contained, he should come and he should be heard, But none appeared to do this, Whereupon it was proceeded into the taking of the Jury aforesaid by the oath of the twelve, who to speak to the truth of the within-contained, being chosen, tryed and sworn, say upon their oaths that the aforesaid *John Govor* and others, &c. are in nothing guilty of the Robbery of the within written *Thomas Berd*, as the aforesaid *John Govor*, &c. within by pleading have alleged, nor upon that occasion ever withdrew themselves, nor any of them ever withdrew himself, and they Assess the Damages of each the aforesaid *John Govor*, &c. having respect aswell to the Imprisonment and Arrest, which severally by occasion of the Appeal aforesaid they have sustained, and the infamy which by the Imprisonment, and by other means they have severally incurred, as also for their expences and costs in that behalf layed out, to a hundred pound, and upon this the aforesaid *John Govor*, &c. say that the aforesaid *Thomas Berd* hath not, whereof the aforesaid Damages may be rendred unto them, and pray that the Justices here may enquire, at which, or whose abetting the Appeal aforesaid by malice was formed, and upon this it was sought of the Jurors aforesaid, if the aforesaid *Thomas Berd* have whereof to the aforesaid *John Govor* and others, he may be able to render the Damages aforesaid or no, who say that the aforesaid *Thomas* hath sufficient, whereof to the said *John Govor* and others, &c. he may be able to render the Damages aforesaid, and further say upon their oaths that there are no Abettors to the forming of the Appeal aforesaid by malice; for that, that the principals aforesaid of the premises are quit It is considered that Process on that behalf against the Accessories aforesaid shall altogether cease, &c.

ACTIONS



# ACTIONS OF ASSIZE.

## ASSIZE.

¶



He Assize comes to be Revised, whether *R. N.* and *N. H.* and *A.* his wife have unjustly disseised *I. T.* of *F. I. G.* the Elder, and *W. B.* of his Freehold in *H.* after the first, &c. And whereupon the same *I. I.* and *W.* by *W. F.* their Attorney complain, that they have disseised them of one Messuage, and one acre and a

half of Lands, with the appurtenances, &c.

And the aforesaid *R. N.* and *A.* being called, came not, And of them the Sheriff Returns, that they have nothing, &c. And that they are not found, &c. And that they have neither Bayl nor Bayls; Therefore the Assize aforesaid is taken against them by default, &c. And the Reviewers of the assize aforesaid being called, came, who to speak to the truth of the premises being chosen, tried, and sworn, say upon their Oath, that the aforesaid *I. I.* and *W.* were seized of the Tenements aforesaid, with the appurtenances, in their view put in the Plaint aforesaid specified in their Demain, as of Free hold, until the aforesaid *R. N.* and *A.* them thereof unjustly and without judgment, and by force and arms they did disseize, and they assess the Damages of them the said *I. I.* and *W.* by occasion of the Disseizin aforesaid above their Expences and costs by them about the prosecution of this Assize layd out, to six shillings and eight pence, And for those Expences and costs to thirteen shillings and four pence. And of the same Reviewers by the Court it is Demanded, if the same Disseisin were made after the Eighth year of the Lord *Henry* the sixth, late King of *England*, or no, who say it is so, Therefore it is considered

Mid. na  
Assize upon  
Disseisin made  
of Tenements,  
as of the Free-  
hold. Easter  
9. Hen. 7. Roll  
37.

The Defen-  
dants come  
not, and the  
Sheriff re-  
turns a Nihil,  
&c. The as-  
sise is taken  
by Default,  
&c. and the  
review found  
for the plain-  
tif.

dered that the aforesaid *I. I.* and *W.* shall recover their seisin of the Messuage, and Land aforesaid, with the appurtenances, in the Plaint aforesaid, specified by the view of the Reviewers of the same Assize, and their Damages aforesaid, to the trouble, according to the form of the Statute in that case provided, and by the Reviewers aforesaid in form aforesaid assised, which said Damages in the trouble amount unto three shillings. And the aforesaid *R. N.* and *A.* are to be taken, &c.

A Writ of  
scire facias  
seisinam upon  
the assize be-  
fore.

**T**He King, to the Sheriff of *Middlesex* Greeting; Whereas *I. T.* of *F. I. G.* the Elder, and *W. B.* lately in our Court before, &c. at *Westminster*, by the review of a certain Assize of novell disseisin, and the judgement of the same Court, have recovered their seisin of one Messuage, and one acre and a half of Land, with the appurtenances, in *H.* against *R. N. N. H.* and *A.* his wife, And therefore Wee Command you, that you cause to be had to the aforesaid *I. I.* and *W.* full seisin of the Tenements aforesaid, with the appurtenances, without delay, Witness, &c.

An Original  
in assize of  
noble disseisin  
before the  
King.

**J.** **T**He King to the Sheriff of *Middlesex* Greeting, *I. Knill*, and *H. Lord Chard*, have complained unto us, that *G. H.*, *W. K.* and *R. A.* have unjustly, and without judgement, disseized them of their Freehold in *H.* after the first, &c. And therefore we Command you, that if the aforesaid *I. R.* and *H.* shall make you secure of prosecuting their claim, Then you cause that Tenement to be reseized of the Cattell which in it were taken, and that Tenement with the Cattell to be in peace untill Friday next after three weeks of Saint *Michael*, And in the mean time to cause twelve free and lawfull men of that *VV*isionage to view that Tenement, and the names of them in the *VV*rit, And that you Summon them by good Summons, that they be then before us at *Westminster*, ready thereupon to make their review. And that you put by sure and safe Pledges the aforesaid *G. W.* and *R.* or their Bailiffs, if they be not found, that they be then there, to hear that Revilement, And that you have then there the Summoners the names of the Pledges, and this *VV*rit, *VV*itness our self at *Westminster*, the twentieth day of *October*, in the nineteenth year of our Reign.

The Return  
thereof.

Pledges of prosecuting *John Doe*, and *Richard Row* *G. H. C. H.* and *R. A.* within named are attached, Horse of the price of *11* shillings, The residue of the Execution of this Writ appeared in a certain Panell to this Writ annexed the answer of *L. K.* and *R. W.* Sheriffs, The names of the Reviewers, &c. *I. R.* Esquire, &c. (and so the twenty fourth) singularly Impaunelled (and then thus) the Summoners of the Reviewers aforesaid, and of every of them *I. T.* and *R. S.*

R. S. the Manncaptors of the summons of the Reviewers aforesaid and of every of them *A. D. R. R. N. D. and H. H.*

**T**he King to the Sheriff of *Middlesex* Greeting, We command you that you have before, &c. on Thursday next after the Morrow of *St. Martin* the bodies of *I. R.* Esquire (and so the names of the 24 in the panell named) the Reviewers of a certain Affize of novell disseisin which *I. R.* and *H. L.* have brought before us against *G. H. W. H.* and *R. A.* of Tenements in *H.* to make revivement of the same Affize, and that in the mean time you cause the Reviewers aforesaid, to see the Tenements aforesaid and their names in the Writ, and that you have then there the names of those Reviewers, and this Writ. Witness, &c.

*Habeas Corpus Jur'* upon the same,

The return of the same Writ remains in a certain panell to this Writ annexed the answer of *L. H.* and *R. W.* Sheriffs. The names of the Reviewers, &c. (and then the names of the Reviewers in the Panell,) &c. (and then thus) each of the Reviewers aforesaid severally by himself is attached by *I. D.* and *R. R.*

The Return of the Writ of *Habeas Corpus Jur'*.

Note for a Rule Generall that the Inrolment of the Writ of *Habeas Corpus*, ought alwaies to be in the Roll of Pleas and not elsewhere, and ought to be enrolled as in the Plea following.

**J.** The Affize came to be Revised, whether *G. Houghton, W. H.* and *R. A.* unjustly, &c. have disseised *I. R.* and *H. L.* of their Freehold in *H.* after the first, &c. And whereupon the same *I.* and *H.* by *G. G.* their Attorney complain that they have disseised them of one Messuage and 18. Acres of Land with the appurtenances, &c. and the aforesaid *G. H.* by *T. L.* his Attorney comes and answers as Tenant of the Tenants aforesaid, and sayes that the Affize thereupon between him and the aforesaid *I. R.* and *H. L.* ought not to be had, Because he saith that one *W. B.* was seised of the Tenements aforesaid with the appurtenances, put in view of the revivement of the Affize aforesaid, and in the Plaint aforesaid specified in his Demesne as of Fee, and he being thereof seized dyed of such his estate thereof seized, after whose death the Tenements aforesaid did discover to one *I.* the Wife of the aforesaid *G.* as to the Daughter and Heir of the aforesaid *W. B.* by which the same *G.* and *I.* in right of her the said *I.* as Daughter and Heir of the aforesaid *W.* into the Tenements aforesaid with the appurtenances did enter, and were thereof seized in their Demesne as of Fee in right of her the said *I.* And they being so thereof seized the aforesaid *G.* and *I.* had issue between them one *W. H.* and afterwards the aforesaid *I. L.* in the Parish of *St. B.* in the Ward of *A. London* dyed, and the aforesaid *G.* over-lived her, and held himself in the aforesaid Tenements with the appurtenances, and was thereof seized

*Middlesex.*  
A Declaration in Affize of novell disseisin upon the original Writ aforesaid.  
March 19.  
*Hen. 7. Roll. 69.*  
One of the Defendants sayes that the Father of his Wife was seised of the Tenements in view, put in Fee and dyed, and the Defendant entered in right of his Wife and had issue, and the Wife dyed, and as Tenant by the Law of England hold himself in, &c.



seized in his Demesne as of Freehold, as holding thereof by the Law of the Land of this Kingdom of England. And that the aforesaid *I. R.* and *H.* clayming the Tenements aforesaid, with the appurtenances, by colour of a certain deed of Demise to them thereupon made for term of their life by the aforesaid *W. B.* in his life time, Whereas nothing of the Tenements aforesaid, with the appurtenances, into the possession of them the said *I.* and *H.* by that Deed ever passed into the Tenements aforesaid entred upon, whose said *I.* and *H.* their possession thereupon one *D. D.* in the same Tenements with the appurtenances entred, upon whose said *D. D.* his possession thereupon the aforesaid *G.* in the same Tenements with the appurtenances did reenter as it was lawfull for him to doe, and this, &c. Whereupon he demands judgement, whether the aforesaid *I.* and *H.* the Assize aforesaid thereupon, against him ought to maintain, &c.

The other Defendants say they made no disseisin.

And the aforesaid *W. H.* and *R. A.* in their proper persons say, that they have done no injury, nor disseisin to the aforesaid *I. R.* and *H.* of the Tenements aforesaid, And of this they put themselves upon the Assize, And the aforesaid *I. R.* and *H.* in like manner, Therefore the Assize is to be taken thereupon between them, &c.

The Plaintiff says that one was seized of the Tenements, and Enfeoffed the Plaintiffs to hold for ever, and traverses the dying seized of the Father of the Defendants Wife.  
The Traverse

And the aforesaid *I. R.* and *H.* say that they by any thing, by the aforesaid *G.* prealleged ought not to be debarred from having the Assize aforesaid against him, because they say, that one *R. A.* was seized of the Tenements aforesaid in view, &c. and in the Plaint, &c. specified in his Demesne as of Fee, And being so thereof seized did Enfee of them the said *I. R.* and *H.* To have and to hold to them and their Heirs for ever. By vertue of which said Feoffment they the said *I.* and *H.* were thereof seized in their Demesne as of Fee, untill they the said *I. W.* and *R. A.* in the Writ named them the said *I. R.* and *H.* of those Tenements aforesaid with the appurtenances unjustly, &c. they disseised, Without that, that the aforesaid *W. B.* dyed seized in his Demesne as of Fee, of the aforesaid Tenements put in view of the revilement of the Assize aforesaid in the Plaint above specified, as the aforesaid *G.* hath above by pleading alleged. And this &c. Whereupon he prayes judgment; and that the Assize aforesaid may be proceeded in to the taking thereof between them, &c.

Issue taken upon the traverse.

The Assize remains to be taken for want of Reviewers.

And the aforesaid *G.* as formerly saith, that the aforesaid *W. B.* dyed seized in his Demesne as of Fee of the aforesaid Tenements with the appurtenances, as he above by pleading hath alleged, and of this he puts himself upon the Assize, and the aforesaid *I. R.* and *H.* in like manner, &c. Therefore the Assize is to be taken between them, &c. And the Reviews of the Assize aforesaid, being called some of them came, and the Assize aforesaid remains to be taken



taken before the Lord the King at *Westminster* untill Thursday next after the morrow of *St. Martyn* for want of Reviews, &c. Therefore the Sheriff is to have them there, the bodies of the Reviewers, &c. And in the mean time, &c. So that, &c. The same day is given to the parties aforesaid here, &c. At which day before our Lord the King at *Westminster*, came as well the aforesaid *I. R.* and *H.* as the aforesaid *G.* by their Attorneys aforesaid, and the aforesaid *VV. H.* and *R. A.* in their proper persons in like manner came, and the Reviewers of the Assize aforesaid being called in like manner came, who to speak to the truth of the premises, being chosen, tried, and sworn, say upon their oaths that the aforesaid *R. B.* dyed not seised of the Tenements aforesaid with the appurtenances, as the aforesaid *I. R.* and *H.* above by pleading have alleged, and that the aforesaid *I. R.* and *H.* were of the Tenements aforesaid with the appurtenances seised in their Demesne as of Fee untill the aforesaid *G. W.* and *R.* then the said *I.* and *H.* thereof unjustly and without judgement, but not by force nor Arms they did disseize, and they Assess the damages of them the said *I.* and *H.* by occasion of the premises, aforesaid above their expences and costs by them, about the prosecution of this Assize layd out to thirteen shillings and four pence, and for those expences and costs to twenty shillings, Therefore it is considered that the aforesaid *I. R.* and *H.* shall recover the seisin of the Tenements aforesaid, in the Plaint aforesaid specified, by the view of the Reviewers of the Assize aforesaid, and their damages and costs aforesaid above assessed, which said damages in the whole amount unto thirty three shillings and four pence, and the aforesaid *G. VV.* and *R.* in mony, &c.

Verdict in  
Assize for the  
Plaintiff.

Judgement  
upon the ver-  
dict.

Mony, &c.

**S**ir *John Knill* and *Hugh Lochard* have arraigned an Assize of novel disseisin against *G. H.* and others, and supposeth them to be disseised of their Free-hold in *H.* and have made their claim for a Messuage and eighteen Acres of Land with the appurtenances, thereunto hath come the same *G.* by his Attorney, and saith that the Assize thereof between him and the said *I. R.* and *H. L.* ought not to be for that he saith (as in his Plea) and the aforesaid *W.* and others Defendants, say that they have done no wrong nor no disseisin unto the said Plaintiff of the aforesaid Tenements, and of that they have put them upon the Assize, and the Plaintiff also (and then rehearse further the title of the Plaintiff in his reputation, and the issue that is joyned thereupon, and then thus) to your charge is whether that *W. B.* dyed seised in his Demesne as of Fee, of the Messuage and eighteen acres of Land put in view, and specified in the Plaint as the said *G. H.* hath alleged in his Bar or not, and also whether the said *W. H.* and other Defendants disseised, the Plaintiffs of the Tenements aforesaid or not, if you find that the

The charge  
given to the  
Jury upon the  
foregoing as-  
sise.

same

same *W. B.* dyed not seised as the Plaintiff hath alleged, you shall enquire whether the Plaintiffs were seised of the Tenements put in view, and specified in the Plaint in their Demesn as of Freehold, and disseised by all the Defendants or any of them, and whether the disseisin was done with force or not, and if you find the said *A. B.* dyed not seised, and that the Plaintiffs were seised of the Tenements and disseised by the Defendants or some or any of them, you shall enquire what damage the Plaintiff hath sustained by reason of the disseisin, and also for the costs about the sure of this Affize, and if you find that *W. B.* dyed seised in his Demesn as of Fee, and that the Defendant disseised not the Plaintiff, you shall enquire no further, and this is your charge, &c.

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## ACTIONS

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# ACTIONS OF AUDITA QUERELA.

## AUDITA QUERELA.

*ff.* **I** HE Lady the Queen hath sent to her Justices of the Pleas assigned to be held before her, her Writ in these words; *ff. Elizabeth, &c.* To our Justices of Pleas in our Court before us assigned to be held Greeting, Wee have received by the grievous complaint of *Thomas Boyton* of, &c. in the County of *Suffolk*, Clerk, otherwise called, &c. That whereas one *William Andrews* Citizen, &c. and *Lewis Simpson* Citizen, &c. *London*, lately in our Court before us at *Westminster* by Bill without our Writ, and by the judgement of the same Court, had recovered against him the said *Thomas*, as well a certain debt of 100. pounds, as 10. pounds for their Damages which they sustained, as well by occasion of the detention of that debt, as for their Expences and costs, &c. layd out, whereof he is Convict; And although after the rendring of that Judgement, to wit, the second day of *July*, in the the 31. year of our Reign at *Saint Edmonds Bury*, in the County of *Suffolk*, that is to say, within the Libertie and Franchise then of *Roger Townsend* Knight, and *William Drue* Esquire, of *St. Edmonds Bury*, in the aforesaid County of *Suffolk*, the same *Thomas* by *John Pridie*, and *Henry Doy*, by vertue of a certain Warrant lately before, to the aforesaid *John Pridie* and *Henry*, by the aforesaid *Roger Townsend*, and *William Drue*, made and directed by vertue of a certain Warrant to them the said *Roger* and *William Dixie*, by one *Philip Tilvey* Esquire, then Sheriff of the aforesaid County of *Suffolk*, under the Seal of his Office made of, and upon a certain VVrit of *Capias ad satisfaciendum* o' the aforesaid *William Andrews* and *Lewis Sympson*, of the Debt and Damages aforesaid, lately before at the prosecution of them the said

*Audita Querela upon an Escape by a Bailiff of a Libertie.*

*W. A.*



*W. A. and L.* from our said Court before us issued, and to the Sheriff of the aforesaid County of *Suffolk* lately before directed and delivered, VVhich said *Roger Townsend* and *William Dixie* then, that is to say, the aforesaid second day of *July*, in the aforesaid 31. year of our Reign, and before and after had full Return of all, and all manner of Writs and Warrants within the Libertie aforesaid to be Executed, and the Execution of them, In Execution of, and for the Debt and Damages aforesaid was then taken and arrested, And in Execution detained untill afterwards, to wit, the third day of *November*, in the 31 year aforesaid, the aforesaid *K. T.* and *W. D.* the same *T. B.* at *Lamby* hath in this County of *Surrey* ( the Debt and Damages aforesaid, to the aforesaid *William Andrews* and *Lewis Sympson*, being in no wise satisfied ) permitted him to goe whether he would at large, As the same *Thomas* by divers wayes and means which are convenient, is ready to make appear, yet the same *W. and L.* by reason of the judgement aforesaid, for the Debt and Damages aforesaid, against him the said *Thomas* in our said Court before us now lately prosecute, And him upon that occasion to take; and in our Prison, under the Custodie of our Marshall of our Marshalsees before us to be detained most unjustly, have procured to his the said *T. B.* no little los and grievance, and against the Law of our Realm of *England*, Whereupon he hath humbly implored us to provide for him in that behalf a fit remedie, And because we would not that the aforesaid *T. B.* should in that behalf be in any manner injured, and being willing to doe what is just, VVee Command you, that having heard the Complaint of the aforesaid *T. B.* in this behalf, and calling before you the parties aforesaid, and hearing hereto, thereupon their severall reasons to him the said *T. B.* you should cause to be had full and speedy Justice, as of right, and according to the Law and Custom of our Realm of *England* ought to be done, VVitneis our self at *Westminster*, the twenty sixth day of *October*, in the thirty second year of our Reign. After, to wit, on Munday next after the morrow of All Souls, in the self-same Term before the Lady the Queen at *Westminster* came the aforesaid *T. B.* under the Custody of the Sheriff of the County aforesaid in Execution for the debt and Damages aforesaid to the Bar here brought in his proper person, who is committed to the Marshal, &c. and presently sayes, that he in person in Execution for the Debt and Damages aforesaid, ought not to be deteyned, because that he sayes that the aforesaid *I. Pridie*, and *Henry Day*, the aforesaid *T. B.* the second day of *July* in the thirty first year of the Reign of our said Lady the Queen that now is at *St. Edmonds Bury*, in the County of *Suffolk*, that is to say, within the Libertie and Franchise then of *Roger Townsend* Knight, and *Dix* Esquire of *St. Edmonds Bury*, in the County of *Suffolk*, afore-

The Declara-  
tion of the  
Plaintifs.



aforesaid ( which said Roger and William Dix, then and before, and after, had full return of all, and all manner of Writs and Warrants within the Liberty aforesaid to be executed, by vertue of a certain Warrant lately before to the aforesaid I. P. and H. by the aforesaid R. T. and W. D. made and directed, by vertue of a certain Warrant to them the said R. T. and W. D. by one Philip Tilney Esquire, then Sheriff of the aforesaid County of Suffolk, under the Seal of his Office made, of, and upon a certain Writ of *Capias ad satisfaciendum* of the aforesaid W. A. and L. S. of the debt and damages aforesaid, lately before at the prosecution of the said W. A. and L. in the aforesaid Court of the said Lady the Queen, before her the said Queen issued, and to the Sheriff of the aforesaid County of Suffolk lately before directed and delivered ) they took and arrested, And him the said T. B. then and there in Execution for the Debt and Damages aforesaid, under their custodie had, Until the aforesaid R. T. and W. D. the same T. B. so taken and arrested in Prison in Execution for the Debt and Damages aforesaid, being afterwards, to wit, the third day of November, in the thirty first year of the Reign of the Lady Elizabeth, now Queen of England aforesaid, at Lamby Heath, in the County of Surrey, out of the Prison there, they did permit to escape and go at large, by reason whereof the same T. B. of the Debt and Damages aforesaid was clearly discharged, And prays that he from the Prison aforesaid, in which, by the aforesaid occasion he is now detained for the Debt and Damages aforesaid, he may be delivered, And because the Court of our Lady the Queen here are unknowing, whether the allegation of him the said T. B. be true or no, It is Commanded the Sheriff, that by honest men, &c. he make known to the aforesaid W. A. and L. S. that they be before our Lady the Queen in eight dayes of St. Hillary, wheresoever, &c. to shew if they have any thing for themselves, or know what to say, wherefore the aforesaid T. B. of the Debt and Damages aforesaid, ought not to be discharged, and from the Prison aforesaid, in which by the aforesaid occasion he is detained, to be set free, &c. if, &c. And further &c. The same day is given to the aforesaid T. B. in the Custody of the Marshall, &c. And upon this comes ( such Manuceptors, &c. ) in their proper persons ( and so recite the Recognizance ) At which day, here before the Lady the Queen at Westminster, came the aforesaid T. R. in his proper person, And the Sheriff Returns, that by vertue of the aforesaid Writ to him thereupon directed, he hath made known to the aforesaid W. A. and L. S. of being before our Lady the Queen at the aforesaid Town, in the aforesaid Writ contained, by I. Donne and R. Fenne, honest men, &c. as by the same Writ it was Commanded him, And the aforesaid H. A. and L. so warned, &c. On the fourth day of the Plea, being

*Scire facias*  
awarded.

Recognizance  
entred into.

The Sheriff  
Returns a  
*Scire fac.*



The Defen-  
dants approve  
by Attorney,  
and imparl.

The Defen-  
dants plead  
Escape.

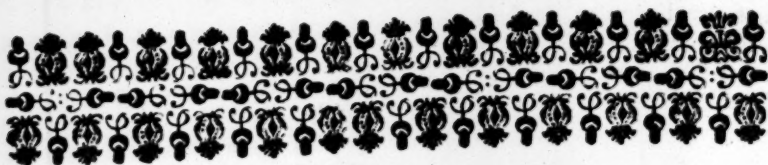
Issue joyns  
thereupon.

Jury put in  
respice.

ing solemnly called, by *Edward Wemmo* their Attorney came and prayed thereupon day of imparting, and it is granted unto them, &c. And upon this day thereupon is given to the parties aforesaid, before the said Queen, from the day of Easter in Fifteen dayes, whersoever, &c. That is to say, to the aforesaid *W. A.* and *L.* to impart, and then to answer, &c. At which day before our Lady the Queen at *Westminster*, came aswell the aforesaid *T. R.* in his proper person, as the aforesaid *W. A.* and *L.* by their Attorney aforesaid, And the aforesaid *W. A.* and *L.* further pray day thereupon of imparting, And it is granted unto them, &c. And upon this day is further given to the parties aforesaid, before the Lady the Queen, to the Morrow of the Holy Trinitie from thence next following, whersoever, &c. that is to say, &c. (as before) At which day, &c. (as before,) And so to impart unto Eight dayes of *St. Michael* then next following; At which said eight dayes of *St. Michael*, before our same Lady the Queen at *Westminster*, came aswell the aforesaid *T. B.* in his proper person, as the aforesaid *W. A.* and *L.* by their Attorney aforesaid; And the aforesaid *W. A.* and *L. S.* say, that by any thing before alleged, the aforesaid *T. B.* ought not to be discharged from the Execution aforesaid, Because they say, that the aforesaid *R. T.* and *W. D.* did not permit the same *T. B.* to Escape, and goe at large in manner and form as the same *T. B.* hath above alleged, And upon this they put themselves upon the Countrey, and the aforesaid *T. B.* in like manner, &c. Therefore the Jurie thereupon is to come before our Lady the Queen in eight dayes of *St. Hillary*, whersoever, &c. And who neither, &c. to Recognize, &c. Because aswell, &c. The same day is given to the parties aforesaid, &c. From which day the Jurie aforesaid, between the parties aforesaid, was put in respice thereupon between them, before our Lady the Queen at *Westminster*, untill from the day of Easter, in fifteen dayes from thence next following, for want of Jurors, &c. At which day, before our Lady the Queen at *Westminster*, came aswell the aforesaid *T. B.* in his proper person, as the aforesaid *W. A.* and *L. S.* by their Attorney aforesaid, And the Jurors called in like manner came, who to speak to the truth of the Premisses, being chosen, tried and sworn, say upon their Oaths, that the aforesaid *T. B.* was taken and arrested in Execution for the Debt and Damages aforesaid, as in the Record aforesaid above is specified, And that the aforesaid *R. T.* and *W. D.* Bayliffs of the Libertie and Franchise aforesaid, in the County of *Suffolk* aforesaid, did bring the aforesaid *T. B.* to *Westminster*, in the County of *Middlesex*, on Monday before the return of the Writ of *Capias ad satisfaciendum*, in the Record aforesaid above mentioned, (The day of the Return of the aforesaid *Capias ad satisfaciendum* being on Monday next after the morrow of All Souls, in the thirty first year of

of the Reign of our Lady *Elizabeth* now Queen of *England*, And that before the return thereof, the aforesaid Bayliffs of the Libertie and Franchise aforesaid, the aforesaid *T. B.* at the request of him the said *T. B.* to the Village of *Lambeth*, in the County of *Surrey* did carry; which said Village of *Lambeth*, is a Village near adjoyning to *Westminster* aforesaid, but out of the way, and not in the way from the County of *Suffolk* aforesaid, unto *Westminster* aforesaid, nor is between the County of *Suffolk* aforesaid, and *Westminster* aforesaid; And that the aforesaid Bayliffs of the Liberties and Franchises aforesaid, afterwards at the aforesaid day of the aforesaid Return of the aforesaid Writ of *Capias ad satisfaciendum* did bring the aforesaid *T. B.* to *Westminster* aforesaid, And him the said *T. B.* in the Court of our Lady the Queen, before her the said Queen at *Westminster* aforesaid, into the Prison of the said Court of our Lady the Queen, called the Kings Bench, by vertue or colour of the aforesaid Writ of *Capias ad satisfaciendum* they did deliver, And further the Jury say, that the aforesaid *T. B.* from the time of the arrest of him the said *T. B.* aforesaid, unto the return of the aforesaid Writ of *Capias ad satisfaciendum*, and the delivery of the aforesaid *T. B.* into the Court of her the said Lady the Queen, before her the said Queen, as is aforesaid, remained, and continued with the aforesaid Bayliffs, by vertue or colour of the aforesaid Writ or Warrant; But whether upon the whole matter aforesaid, in form aforesaid the bringing of the aforesaid *T. B.* to *Lambeth* aforesaid, &c. in manner and form aforesaid be an Escape out of Prison, and a permission to goe at large in Law nor no, the Jury aforesaid are altogether ignorant; Whereupon they pray the advisement and discretion of the Court of our Lady the Queen, now here before her the said Lady the Queen being, And if it shall seem to the said Court of our said Lady the Queen, that the aforesaid bringing of the aforesaid *T. B.* to *Lambeth* aforesaid, in manner and form aforesaid, be an Escape out of Prison, and a permission to goe at large in the Law, then the Jurors say upon their Oath aforesaid, that the aforesaid *R. T.* and *T. D.* the aforesaid, *T. B.* at *Lambeth* in the County of *Surrey* aforesaid, out of the Prison aforesaid to Escape, and to goe at large, they did permit, in manner and form as the aforesaid *T. B.* he hath above alleged, and if upon the whole matter aforesaid, it shall seem to the Court of the Lady the Queen, that the afore bringing of him to the said *T. B.* to *Lambeth* aforesaid, in manner and form aforesaid, be not an Escape out of Prison, and a permission to goe at large in the Law, Then the Jurors aforesaid say upon their Oath aforesaid, that the aforesaid *R. T.* and *W. D.* did not permit the same *T. B.* out of Prison aforesaid to Escape, and to goe at large in manner and form as the aforesaid *T. B.* hath above alleged.

Speciall Ver:  
dict.



# ACTIONS OF CONSPIRACIE.

## CONSPIRACIE.

*Norfolk.*  
Declaration  
in Conspira-  
cie, for pro-  
curing one to  
be Endicted  
for Witch-  
craft.

¶



*Nicholas Stockdale* complains of *William Skippon* of *Hitcham*, &c. *John Green* of &c. *William Waters* of, &c. and *John Huch* of, &c. in the custodie of the Marshall, &c. for that, that is to say, that whereas they the aforesaid *Williams Skippon John Green, William Waters, and John Huch* the 12. day of *July* in the 44. year of the Reign of our Lady *Elizabeth* late Queen of *England*, at *Fakenham* in the

County aforesaid by Conspiracy, fore thought between them, the aforesaid *Nicholas*, for that he the first day of *December* in the year of the Reign of the Lady *Elizabeth* late Queen of *England* the 44. and divers other dayes after the said first day of *December*, should practise and exercise Witchcraft and Sorcery, wickedly and Feloniously at *Hitcham* aforesaid, in, upon, and against one *Mary Skippon* then the Wife of the aforesaid *William Skippon*, by which said practises and exercises of the said Witchcraft, the aforesaid *Mary* from the aforesaid first day of *December* in the 44. year aforesaid untill the 20. day of the month of *February* in the 44. year aforesaid most dangerously and mortally was sick and languished, and the same 20. day of *February* in the 44. year aforesaid, the same *Mary* by the said practise and exercise of the aforesaid Witchcraft at *Hitcham* aforesaid, in the County aforesaid dyed, and that the aforesaid *Nicholas Stockdale* to the same *Mary* at *Hitcham*

*Hitcham* afore said, in manner and form afore said of his malice fore thought, willingly, devillishly, wickedly and feloniously, by the practise and exercise of the Witchcraft afore said did kill and murder, against the peace of our said Lady the Queen, and against the form of the Statute of our said late Lady the Queen held at *Westminster* in the County of *Middlesex*, in the 5. year of her Reign in that case published and provided, Before our then very beloved and faithfull Counsellour of our said Lady the Queen *John Popham* Knight chief Justice of the said late Queen of the Pleas in the Court of her the said late Queen before her the said Queen assigned to be held, and *Robert Clark*, one of the Barons of the Exchequer, of the same late Queen, Justices of the Assizes of the said late Queen, in the afore said County of *Norfolk*, then assigned to be taken, held at the Castle of *Norwich*, the twelfth day of *July* in the 44. year afore said, as also the Justices of the same late Queen, for the keeping of the Peace in the County afore said, and assigned to hear and determine of divers Felonies, Trespases and other misdemeanours in the same County then committed, at the Castle of *Norwich* in the County afore said, to be endited, and him the said *Nicholas*, upon that occasion then and there to be taken, and in the Gaol of the said Castle, of our late said Lady the Queen, be ore the afore said *John Popham* Knight, and *Robert Clark* Justices of our said late Queen, at the Gaol afore said to be delivered, to be held, falsly and maliciously they conspired, and procured against the form of the Statute in that case lately published and provided, after which said Conspiracie, Inditing, taking, and imprisoning, and detention of him the said *Nicholas*, he in form by them the said *William Skippon*, *John Green*, *William Waters*, and *John Hitch* had, and procured the same *Nicholas*, for making his purgation in that behalf, according to the Law and custom of this Realm of *England*, being asked then to wit at the Gaol delivery afore said, whether he were guilty of the Felony afore said, whereof in form afore said, he was endicted or no, and thereupon he had sayd, that he was not thereof guilty: and of this had then put himself upon the Country, as by the Record thereupon before the Justices remaining it is fully manifest and appears, the afore said *William Skippon*, *John Green*, *William Waters* and *John Hitch* by Conspiracie between them at *Fakenham* afore said, in form afore said, came before the afore said Justices at the Assizes afore said, and to prove him the said *Nicholas* guilty of the Felony afore said before the same justices gave in evidence upon their oath to the Jury at the Assizes afore said impanelled charged and sworn to enquire of the good and ill, That the same *Nicholas*, the afore said *Mary* in form afore said, had killed and murdered, according to the



## Conspiracie.

the form & effect of the Endictment aforesaid, by them in form aforesaid procured, which said Jury more fully understanding the truth and the Conspiracie aforesaid, as is aforesaid, afore had, then to wit at the Assizes aforesaid, said upon their oath, that he the said *Nicholas* was not guilty of the Felony aforesaid in manner and form as the same *Nicholas* was endicted, and he the same *Nicholas* then before the Justices aforesaid at the Gaol delivery aforesaid, according to the Law and custom of this Realm of *England* was acquitted, By vertue of which said Conspiracie Endictment taking, giving inevidence, and detension in the Prison aforesaid, of him the said *Nicholas*, by them the said *William Skippon*, *Iohn Green*, *William Waters* and *Iohn Huch* in form aforesaid had and procured, the same *Nicholas*, not only in great scandall and infamy, as also in danger of his life, and also of the loss of all his Goods and Chattels, Lands and Tenements, he was fallen and elapsed unto, But also divers great sums of mony, for the making of himself clear in that behalf, was constrained, and compelled to the Damage of him the said *Nicholas* two hundred pound, &c.

Lincoln.  
Declaration  
in Conspiracie  
brought  
by one who  
was Endicted  
together with  
others, &c.  
before the Justices  
of the Peace, and  
afterwards acquit  
by the Justices of  
Assizes.  
March 14.  
Hen. 6. Rot. 6.

*J. T. G.* lately of *R.* in the County aforesaid Gentleman, *I. P.* of *S.* in the County aforesaid Husbandman, and *A. B.* of the same in the County aforesaid Husbandman, were attached to answer *A. P.* lately of *S.* in the County aforesaid Gentleman, Wherefore by Conspiracie forehad between them the aforesaid *A. P.* together with *E. P.* lately of *S.* in the County aforesaid Gentleman, *I. G.* of the same, in the County aforesaid Yeoman, *T. C.* of the same, in the same County Yeoman, *T. S.* of *S.* in the same County Husbandman, *A. H.* of *S.* in the County aforesaid Husbandman, and *G. P.* of *B.* in the County aforesaid Husbandman, for that he (such a day and year, by force and Arms that is to say with Swords, Staves and Knives, and other hurtful weapons, at *S.* aforesaid in the County aforesaid the Close and House of *R. B.* did break, and enter and one Cart load of Hay of the price of six shillings and eight pence, of the Goods and Chattels of him the said *R. B.* then and there found, riotously took and carried away, against the Peace of our Lord the King aforesaid, at *C.* aforesaid, to be Indicted, and him the said *A.* upon that occasion to be taken, and in the Prison of the Marshallée of our Lord the King in the Court of him the said Lord the King, before him the said King held, untill the same *A.* before *Humphry Covingshie* Knight, and *Iohn Carrill* Justices of our Lord the King at the Assizes in the County aforesaid assigned to be taken on Friday the Feast of *St. Anne* last past at the Castle of *Lincoln* in the County aforesaid according to the Law and custom of the Realm of our Lord the King of *England*,



land, he was thereof acquitted, to be detained falsly and maliciously at C. afore said they did procure, to the great damage of him the said A. and against the form of the provision in that case provided, And whereupon the same A. by VV. I. his Attorney complains, that the afore said T. G. I. P. and R. B. by Conspiracie forehad between them at C. afore said, in the County of *Lincoln* afore said, on Tuesday next, before (such a Feast) (such a year) afore said, the afore said A. together with E. P. lately of S. in the County afore said Gent. (and the rest as before) for that he the seventh day of *October*, in the tenth year of the Reign of our Lord the King afore said, with force and arms, that is to say, Swords, Staves, and Knives, and other most hurtfull weapons, at S. afore said, in the County afore said, the Clofe and Houfe of R. B. did break and Enter, And one Cartload of Hay, to the value of six shillings and eight pence of the said and chattells of him the said R. B. then and there found, rior he took and carried away, against the Peace of our said Lord the King, at C. afore said, on Tuesday next before (such a feast, such a year afore said) before W. Tirwhit, R. Terwhit and W. H. Knights, and their Companions, Justices of our Lord the King for the Peace, as also assigned to hear and determine of divers Felonies, Trespasses, and other misdemeanours in the parts of *Lindsey*, in the County afore said committed, to be Ind cted, and him the said A. upon that occasion on Wednesday next after Fifteen dayes of Easter, in (such a year) at *Westminster*, in the County of *Middlesex*, to be taken, and in the Prison of the Marshall of our Lord the King, in the Court of him the said Lord the King, before him the said King had, untill the same A. before H. C. and I. C. Justices of our Lord the King, at the Assizes in the said County of *Lincoln* assigned to be taken on Friday the Feast of St. Anne last past at the Castle of *Lincoln*, in the County afore said, according to the Law and Custom of the Realm of our Lord the King of *England*, he was thereof acquitted, to be detained falsly and maliciously, at C. afore said, they procured against the form of the provision afore said; Whereupon he saith, that he is damnified, and bath damage to the value of forty pounds, And thereupon he brings his Sute, &c.

And the afore said T. G. I. P. and R. B. by I. L. their Attorney come and defend the force and injury, when, &c. And all Conspiracie, &c. And say that the afore said A. ought not to have his action against them, &c. because by protestation, they say that the afore said A. was never taken and detained in Prison of the Marshall of our Lord the King before him the said King, by reason of the Indictment afore said, in manner and form as he above hath declared, yet for Plea they say, that long before the Conspiracie afore said supposed to be made, the afore said E. P. I. G. T. C. T. S. and A. H. the

One of the Defendants justifies as a Counsellour at Law, and the other as Witnesses to testify a Riot before the justices of the Peace, which is the same Conspiracie, afore- wherof, &c.

aforesaid seventh day of *October*, in the tenth year of our Lord the King that now is aforesaid, by force and arms, that is to say, with Swords, Staves and Knives, at *S.* aforesaid, in the aforesaid County of *Lincoln*, the Cloie and House of the aforesaid *R. B.* they did break and enter, and one Cart-load of Hay, to the value of six shillings eight pence of the goods and chattels of him the said *R. B.* then and there found, they riotously took and carried away, And for that that the aforesaid *A. P.* was there present at *S.* aforesaid, at the said time of the Riot and Trespass aforesaid committed, And in like manner that the common voice and fame was, that the Riot and Trespass aforesaid was done and committed by the Command of the aforesaid *A.* and the aforesaid *R. B.* after the Riot and Trespass aforesaid committed, and before the Conspiracie aforesaid supposed to be made, came to the aforesaid *T. G.* unto *B.* in the County aforesaid, for that the same *T. G.* was learned in the Law of *Land*, And to him the said *T. G.* reported the whole matter of the Riot and Trespass aforesaid, And prayed Counsell of him the said *T.* what in that matter was fit to be done, And the foresaid *T. G.* then and there demanded of the aforesaid *R. B.* whether he had any testimony of the Riot and Trespass aforesaid, And the same *R. B.* said, that the aforesaid *I. P.* was present at the same time of the Riot and Trespass aforesaid committed, and knows to testifie all the premises said by the said *R. B.* to be true, By reason whereof they the same *T. G.* *I. P.* and *R. B.* had suspicion that the aforesaid *A.* was guiltie of the Riot and Trespass aforesaid, Upon which the same *T. G.* *I. P.* and *R. B.* after and before the time of the Conspiracie aforesaid supposed to be made, at *C.* aforesaid, in the County aforesaid had conference together of the Riot and Trespass aforesaid, in form aforesaid committed, and what was further more fit to be done, for the punishment and reformation of the aforesaid Riot and Trespass, Upon which the aforesaid *T. G.* then and there Counsell'd the aforesaid *R. B.* and *I. P.* that they shou'd be at *C.* aforesaid, in the County aforesaid, at the next Generall Sessions of the Peace, there to be held, to shew the Justices of the Peace of our Lord the King, of the Riot and Trespass aforesaid, to that intention, that the same Justices at the same Sessions of the Peace may be able to make Enquire of the same Riot and Trespass amongst other things, By which they the same *R. B.* and *I. P.* on the said Tuesday next before *St. Michael* at *C.* aforesaid, before *W. Tirwhit*, *R. Tirwhit*, and *W. H.* Knights, and other Justices of our said Lord the King of the Peace, as also assigned to hear and determine of divers Felonies, Trespasses, and other misdemeanors in the parts of *Lindsey* in the County aforesaid committed, they came, and to the same Justices, then and there in full Court sitting, they gave information of the Riot and Trespass

pass aforesaid, And to them a certain Bill containing the Riot and Treipass aforesaid, by the aforesaid *A. E. I. G. T. E. T. S. &c.* committed then and there, did exhibite and deliver, which said Bill, the aforesaid Justices of the Peace there to certain persons of the same County, then and there to enquire of the Riot and Treipass aforesaid, amongst other things there sworn, they did deliver, thereupon to declare the truth of the premisses; And further, the same *R. B.* and *J. P.* say, that they before the aforesaid Justices, at their Command were sworn to declare true information and evidence to the aforesaid Jurie, to the matter contained in that Bill, By vertue whereof they the said *R. B.* and *J. P.* to the same Jurie of the Riot and Treipass aforesaid gave Evidence, Which said Conference of the aforesaid *T. G. R. B.* and *J. P.* of the premisses, in form aforesaid, and the exhibition of the aforesaid Bill to the aforesaid Justices of the Peace, as also the information and declaration of the Evidence aforesaid, to the aforesaid Jury, in form aforesaid, are the same Conspiracie whereof the aforesaid *A. P.* now complains of, And this, &c. whereupon he prayes Judgement, whether the aforesaid *A.* should have his action, &c.

And the aforesaid *A.* sayes, that he by any thing, &c. ought not to be debarred, &c. because he saith, that they the said *T. G. R. B.* and *J. P.* the aforesaid time of the Conspiracie aforesaid made, of their proper injurie and malice, and without such cause by them the said *T. G. R. B.* and *J. P.* above by pleading alleged, him the said *A.* together with the aforesaid *E. P.* and *J. P.* of the Riot and Treipass aforesaid to be indicted, and him the said *A.* upon that occasion to be taken, and in Prison aforesaid to be detained, falsly and maliciously they procured, in manner and form as the aforesaid *A.* above against them complaineth. And this he prayeth may be Enquired of by the Countrey, And the aforesaid *T. G. R. B.* and *J. P.* in like manner, &c. sheweth.

The Plaintiff replies, that they Conspired of their proper injurie without any such cause.

**N**. Lately of *Tructeston*, in the County aforesaid Knight, in many for many defaults, &c. the same *N.* and *R. M.* lately of *I.* in the Parish of *H. Yeoman*, and *J.* lately of *A.* in the County aforesaid, Yeoman, and *J. H.* lately of *M.* in the County aforesaid Taylor, were attached to answer at well our Lord the King, as *T. M.* lately called *T. M.* of *Westminster*, in the County of *Middlesex* Spindster, of a Plea, wherefore whereas in the Statute in the Parliament of our Lord *Henry* the sixth, late King of *England*, at *Westminster*, in the eighth year of his Reign hold, it is Ordained and established, that every of the Liege people of our Lord the King, of treason, felony, or Treipass, by any Indictment, or appeal, before Justices of the Peact, or any other having power to take the same Indictments or

Declaration in a Writ of Conspiracie upon the Statute of 8. Hen. 6. where one of the Defendants appears upon the *Distingus*, and the other upon the attachment. Mich. 15. Hen. 7. Roll. 39.

Appeals,



The Indictment for breaking a House and Chest, and taking away of goods.

Appeals, or any Commissioners or Justices in any County, Libertie, or Franchise of *England*, to be taken, Indicted or appelled, dwelling in any County, other than where the same Indictment, or appeal was taken, and afterwards thereupon by Verdict should be duly acquitted, should have his Writ and Action upon the Case against every procurer of such Indictment or appeal, And that there be such Proceſs in and upon the same Writ, as of Trespaſs by force & arms made, And if such Procurer shall be convicted in that behalf, the Plaintiff shall recover his Damages to the treble, Provided alwayes that the said Ordinance extends not it self to an Indictment or Appeal taken, or to be taken in the County of *Chester*, as in the aforesaid Statute more fully is contained; Yet the aforesaid *N. R. I.* and *R.* at *Winchester*, falsly and maliciously have procured the aforesaid *T.* ( for that he and *T. L.* lately of *I.* in the County aforesaid Labourer, and ( others ) such a day and year by force and arms, that is to say, with Swords, Staves, Bowes and Arrows, the House and Chest of *R. A.* at *I.* aforesaid, they did break and enter, and three Girdles Embroidered with Silk and Gold, to the value of 40. shillings, of the goods and chattels of the aforesaid *R. A.* then and there found, feloniously they took and carried away, against the peace of our said Lord the King ) before *W. F.* and *J. H.* and their Companions Justices of our said Lord the King of the peace, as also assigned to hear and determine of divers Felonies, Trespaſses, and other Misdemeanors in the aforesaid Countie of *Southampton*, to be indicted, although the same *T.* at the time of the taking of the Indictment aforesaid at *Westminster*, in the County of *Middlesex*, dwelled, and as yet dwells, by which procurement the same *T.* so indicted, by divers labours and Expences ( untill before the beloved and faithfull of our Lord the King, *T. Wood*, and *J. Reed*, Justices of our Lord the King, at the Assizes in the aforesaid County of *Southampton* assigned to be taken, by the form of the Statute thereupon lately published, and provided, by Vertue of the Writ of our Lord the King of *Nisi prius*, at *Winton* taken thereupon, according to the Law and Custom of the Realm of our Lord the King of *England*, was duly acquitted ) was grievously troubled and vexed in the Contempt of our said Lord the King that now is, and his the said *T.* great damage, and against the form of Statute aforesaid, &c. And whereupon the same *T.* who aswell, &c. by *W. F.* her Attorney complains, that the aforesaid *N. R. I.* and *I.* the twelfth day of *September*, ( such a year ) at *Winton*, falsly and maliciously procured the aforesaid *T.* for that she and *T. L.* lately of *H.* in the County aforesaid Labourer, and others the twenty sixth day of *August*, in the second year of the Reign of our Lord the King that now is, with force and arms, that is to say, with Swords, &c. the House and Chest of *R. A.* at *I.* aforesaid, they did break and



and Enter, and three Girdles embroydered with Silke and Gold, to the value of forty shillings, of the goods and chattells of the aforesaid *R. A.* then and there found, feloniously they took and carried away, against the Peace of our said Lord the King (before *W. F.* and *I. H.* and their Companions then Justices of our said Lord the King of the Peace, as also assigned to hear and determine of divers Felonies, Treppasses, and other misdemeanours in the aforesaid County of *Southampton*, (such a day and year) at *W.* in the County of *S.* aforesaid) to be Indicted, although the same *T.* at the time of the taking of the Indictment aforesaid, at *Westminster*, in the County of *M.* dwelt, and as yet dwells; By which procurement the same *T.* so indicted by divers labours and Expences (untill before the faithfull and beloved, &c. *T. W.* and *R. R.* Justices of, &c. in the aforesaid County of *S.* assigned to be taken, by the form of the Statute, &c. by vertue of the Writ of our Lord the King of *Nisi prius* on Monday next after the Teast, &c. (such a year at *Winton*, taken according to the Law, &c. then there was duly acquitted, &c. was grievously troubled and vexed in the Contempt of our Lord the King that now is, and his the said *T.* great damages, And against the form of the, &c. Whereupon he saies that he is worsted, and hath damage to the value of 100. pounds, And thereupon aswell, &c. he brings his Sure, &c.

*Southampton* ff. *N. L.* lately of, &c. Knight, *I. H.* lately of, &c. Taylor, and *I. W.* lately of, &c. Yeoman, were attached to answer *T. M.* and *T.* his Wife, lately called *T. M.* at *Westminster*, in the County of *Middlesex* Spinster, together with *I. Waterman*, lately of *T.* in the County aforesaid Teoman, of a Plea, wherefore by Conspiracie at *Winchester* between them forehad, the foresaid *T.* (for that she and *T. L.* lately of *T.* in the County aforesaid Labourer, and others (such a day and year with force and arms, that is to say, with Swords, Staves, and Knives, the House and Chest of *H.* at *I.* they broke and Entred, and three Girdles Embroydered with Silke and Gold, to the value of forty Shillings, and two Table clothes to the value of twenty shillings, of the goods and chattells of the said *H.* then and there found, feloniously they took and carried away, against the Peace of our Lord the King) to be indicted, and her the said *T.* upon that occasion to be taken, and in the Prison of the Gaol of our Lord the King of *Winchester*, untill the same *T.* in the Court of our Lord the King, before the beloved and faithfull of him the said Lord the King, *T. W.* and *R. R.* Justices of the Assizes of him the said Lord the King, in the County aforesaid assigned to be taken, by the form of the Statute thereupon published, and provided, by vertue of the Writ of our Lord the King, of *Nisi prius* at *Winchester*, according to the Law and Custom of the Realm of our Lord the

The same by the man, and the wife for Felonie supposed to be done by the wife, where she was indicted before the Justices of the Peace, and acquitted by the Justices of Assize by a Writ of *Nisi prius*.

King of England, she was thereof acquitted) to be detained falsely and maliciously they procured, to the great damage of them the said *T. M.* and *T.* And against the form of the Ordinance in that case provided, &c. And whereupon the same *T. M.* and *T.* by *VV. F.* their Attorney complain, that the aforesaid *N. I. H.* and *I. VV.* of *I. &c.* together with, &c. by Conspiracie between them fore, had (such a day year and place) the aforesaid *T.* for that she and *T. L.* lately of, &c. and others (such a day and year) by force and arms, &c. (as before) against the peace, &c. before *VV. F.* and *I. H.* and their Companions Iustices of our said Lord the King of the peace, as also assigned to hear and determine of divers Felonies, Treispases and other Misdemeanours in the same County of *S.* on Monday next after (such a Feast such a year) at *Winchester* in the aforesaid County of *S.* to be Indicted, and her upon that occasion (such a day year and place) to be taken, and in the Prison of our Lord the King, of his Gaol of *Winchester*, Until the same *T.* in the Court of our Lord the King, before the beloved and faithfull of our said Lord the King, *T. VV.* and *R. R.* Iustices of the Assizes of our said Lord the King assigned to be taken in the County of *S.* by the form of the Statute thereupon published, and provided, by vertue of the Writ of our Lord the King of *Nisi prius* on Monday next after (such a Feast such a year) at *Winchester*, taken according to the Law and custom of the Realm of our Lord the King of *England*, thereupon he was there acquitted) to be detained, falsely and maliciously they procured to the great damage of them the said *T. M.* and *T.* and against the form of the Ordinance in that case provided, &c. Whereupon they say, that they are wronged, and have damage to the value of 10*l.* And thereupon they bring their sute, &c.

One of the Defendants pleads not guilty, and the other that at the time of the originall issuings, &c. he was inhabiting at *Thruckleston*, and not at *Truckleston*, and so not the same person.

And the aforesaid *N. L. I. H.* and *I. VV.* lately of *I. &c.* by *A. G.* their Attorney come and defend the force and injury, wher, &c. And the aforesaid *I. VV.* and *I. H.* lately of *I.* say, that they are in nothing guilty, &c. And upon this they puts themselves upon the Country, &c. And the aforesaid *T. M.* and *D.* in like manner, &c. And the aforesaid *N. L.* sayes, that he the day of the issuing forth of the originall Writ of the aforesaid *T. M.* and *T.* was dwelling and conversant at *Thruckleston* in the County of *S.* without that, that the same *N.* ever was dwelling or conversant at *Truckleston* as by the aforesaid Writ it is supposed, and this he is ready to aver, whereupon he prayes judgement of the Writ, &c.

And the aforesaid *T. M.* and *T.* say, that they by any thing by the aforesaid *N. L.* prealleged their Writ aforesaid ought not to be quashed, because as to the Plea of the aforesaid *N. L.* in quashing of the Writ aforesaid above pleaded, The same *T. M.* and *T.*

T. say, that the aforesaid Village of T. the said day of the obtaining the original Writ of them the said T. M. and T. to Wit the 6. day of January, in the 9. year of the Reign of the King that now is, was known and called, aswell by the name of the Village of *Truxston*, as by the Writ aforesaid is supposed, as by the name of the Village of *Truckleston*, and this they pray may be enquired of by the Country, and the aforesaid N. in like manner, Therefore the Jury thereupon is to come before our Lord the King, from the day of St. Michael in fifteen dayes whereioever, of the Visage of T. by whom, &c. And who neither, &c. to Recognize, &c. Because aswell, &c. The same day is given to the parties aforesaid now appearing, &c.

And the aforesaid I. P. and W. by R. R. their Attorney come and defend the force and injury, when, &c. And all Conspiracie and whatsoever, &c. And the aforesaid I. sayes, that he is not guilty, &c. And of this he puts himself upon the Country, and the aforesaid W. by Protestation acknowledging not any such Conspiracie as is above supposed, But that the aforesaid R. ought not to have his action aforesaid against him, because he sayes, that at the time wherein the aforesaid R. supposeth himself in form aforesaid to be Indicted, he then together with other Jurors, by the Sheriff of the County aforesaid, was impanelled and summoned to appear before the aforesaid late Iustices of the Peace at *Norwich*, to doe there before the same Iustices of the Peace, that which by the same Iustices, on the behalf of our Lord the King should be enjoyed them, by reason whereof, he with other Jurors then and there, before the same Iustices of the peace appeared, and by the same Iustices of the Peace upon the book were sworn, and charged by their oath to enquire, for the King, of all Felonies, Trespasses and other articles in the Commission of our said late Lord the King, Father of our Lord the King that now is, to the aforesaid Iustices of the Peace directed, contained within the County aforesaid, done or committed, and he together with other Jurors before the aforesaid late Iustices of the Peace, upon the book then sworn, and charged, him the said R. according to their conscience by form, of Law, of the Felonie in the Writ and Declaration above specified did Indict, Which all and singular he is ready to aver, Whereupon he expects not that the aforesaid R. ought not his action aforesaid, for any Conspiracie in that Case to maintain against him, &c. And prayed judgement, &c.

And the aforesaid R. sayes, that he from his action of Conspiracie aforesaid, against the aforesaid W. by any thing by him the said W. prealleged ought not to be debarred, Because he saith, that he the day

Justification  
in Conspira-  
cy, for that  
the Defen-  
dant was one  
of the Jury  
with other  
Jurors, before  
the Iustices of  
the Peace at  
the Sessions.

Traverse:

day and year, &c. in the Declaration above specified together with the aforesaid *I.* Conspired to Indict him the said *R.* of the Felony aforesaid, in the form wherein he above by his Writ and Declaration supposeth, Without that, that there is had any such Record in which it is contained, that he before the aforesaid Justices of the Peace, together with other Jurors was sworn, on him the said *R.* of the Felony aforesaid, in form aforesaid, as he above by pleading hath alleged, and this he is ready to aver, and for that he gain saith it not, &c. he prays judgment, &c.

And the aforesaid *W.* by Rejoinder saith, that there is had such a Record in which is contained, that he before (such and such) late Justices of the Peace, together with other Jurors was sworn, and that they the aforesaid *R.* of the Felonies aforesaid in form aforesaid Indicted, as he above by pleading hath alleged, and this he avows in the Records in the Rolls of them the said late Justices of the Peace, under the custodie of the Justices of the Peace of our Lord the King that now is in the County aforesaid reserved, &c. And the aforesaid *R.* in like manner, &c. Therefore as to that above of the issue pleaded, above to be tryed, Command is given to the Sheriff, that he cause to come before our Lord the King in eight dayes, of *St. Michael* wheresoever, &c. 24. &c. of the visage of *H.* by whom, &c. And who neither, &c. To Recognize, &c. Because aswell, &c. The same day is given to the parties aforesaid, &c. And as to this that the aforesaid *W.* allegeth, that there is had such a Record, in which is contained, that he together with other, &c. were sworn, &c. And calls that to be upon Record in the Rolls of the aforesaid late Justices of the Peace, under the custody of the Justices of the Peace of our Lord the King that now is in the County aforesaid residing. It is said by the Court here, that the same *W.* have that Record at his Perill before our Lord the King at the aforesaid dayes of *St. Michael*, if it shall seem expedient unto him, and upon this the same *W.* prayes a Writ of certiorare, &c. And it is granted unto him. By which command is to the same Justices of our Lord the King that now is, that having searched the Rolls and other their Remembrances in their custodie being of Record, and what thereupon of the premises they shall find in them, to our Lord the King at the aforesaid eight dayes of *St. Michael*, they send, the same day is given to the parties aforesaid, &c. At which day before our Lord the King at *Westminster*, came the parties aforesaid by their Attorneys aforesaid, and the aforesaid *Thomas Dorham* lately Justice of the Peace of the aforesaid late King and Justice of the peace of our said Lord the King that now is, to whom the Writ of our Lord the King that now is was directed, to certifie, &c. To him the said Lord the King hath certified



certified as followeth, In the Inquisition, &c. And as to that, that it was commanded the Sheriff, that he should cause to come, between the said *R.* and *I.* 24. &c. to make the Jury aforesaid. And the Sheriff returns the names of the 24. whereof none, &c. Therefore command is given to the Sheriff that he detaine them, &c. that they be before our Lord the King in eight dayes of St. Hilary, wheresoever, &c. to make the Jury aforesaid, the same day, &c. that is to say aswell to the aforesaid *I.* thereupon as to the said *W.* in the state they are now in of hearing, the aforesaid certifying, because the Court is not advised, &c.

**L**ondon *J. William Berkwith* complains of *R. P. L. G.* and *E. M.* in the custody of the Marshall, &c. for that whereas the same *W.* was a good, true and lawfull, &c. And of a good name, fame and reputation, &c. and without any crime of Barctory, seditiousness, or causer of any Murder, Manslaughter, or disturber of the peace of our Lord the King, untrouched, unaccused and unspotted hath hitherto remained, By reason whereof, &c. yet the aforesaid Defendants not ignorant of the premises, plotting, &c. (such a day and year) at London in the Parish of St. Lawrence in the old Jury London, in the Ward of Cheap London, before *R. Salstonfall* then Maior of the City aforesaid, *W. VVab* and *I. Spencer* Knights, Iustices of our Lady the Queen for the keeping of the peace in the Citie aforesaid, and the Suburbs of the same, as also assigned to hear and determine of divers Felonies, Trespasses, and other Misdemeanours within the same City and the Suburbs thereof made and committed, falsly and maliciously they caused and procured to be Indicted, for that he the aforesaid Plaintiff (such a day and year aforesaid) having not God before his eyes, but moved, and seduced by a diabolicall instigation at London, that is to say in the Parish of St. Sepulchers without Newgate, in the Ward of Farington without, in the Suburbs of the City of London aforesaid, and divers other dayes and seasons, aswell before as after that time within *D.* aforesaid, was and yet is a very evill person of dishonest name, fame and conversation, a common Barctor, and a great disturber of the Peace of our Lady the Queen, so that he is very like to make and cause murder, manslaughter, strifes, discords, and other great grievances, between the true and faithfull subjects of our Lady the Queen that now is, to the great damage and hurt of the good and faithfull subjects of our said Lady the Queen, and to the most pernicious example and evill encouragement of all other Malefactors in the like kind and against the peace of our said Lady the Queen, her Crown and dignities, as also against the form of the Statute in the like case published and provided, Upon which afterwards command was to the Sheriffs

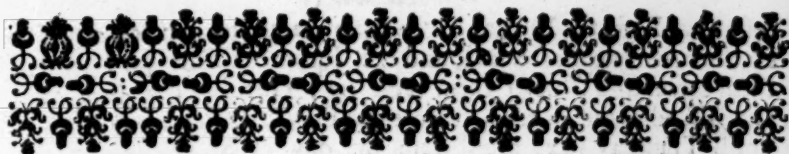
A Declaration in the nature of Conspiracy, for counselling one to be falsly Indicted, for a common Barcton. Trin. 1. Jacobi Regis Rot. 869.

of

of London, by the Writ of our Lady the Queen, that they should cause the aforesaid *W.* to come before the Justices of our Lady the Queen at the Gaol delivery of *Newgate*, held for the City of London, at the Justice Hall in the Old Baly in the Parish of *St. Sepulchers* in the Suburbs of the City aforesaid, on Wednesday the 15. day of February in the 40.1. year aforesaid, before *R. Salston* shall Maior of the City aforesaid, *John Popham* Knight, chief Justice of the Pleas, &c. *E. Anderson* Knight, chief Justice of the Common Bench, *Francis Darcy* Knight, *R. Martyn* Knight, *I. Hart* Knight, *W. Web* Knight, *John Croke* Recorder of the City aforesaid, *S. Somes* and *N. Moseley* Aldermen of the City aforesaid, *M. Dale* and *I. Dalton* Esquires, Justices of the Lady the Queen, assigned for her Gaol delivery of *Newgate* aforesaid, of the Prisoners therein being, the aforesaid Plaintiff under the Custodie of *H. Rowe* and *I. Moore* Aldermen, and Sheriffs of the City aforesaid at the Bar then and there brought in proper person before the aforesaid Justices, and then and there had to hear the Indictement aforesaid, said, that he of the Trespass and contempt in the Indictement aforesaid above specified, was in nothing thereof guilty, as in the Indictement aforesaid was supposed, and of that he then put himself upon the Country, and the aforesaid Queen in like manner, &c. Therefore it was commanded the aforesaid Sheriff of the City aforesaid, that they cause to come before the Justices aforesaid thereupon a Jury there immediately, and who neither, &c. To Recognize, &c. Because aswell, &c. And the jurors of that Jury by the aforesaid Sheriffs of the City aforesaid to that impanelled, and called in like manner, then and there came, to wit *I. L. T. R.* &c. (and so recite the Jury) who to speak to the truth of the premises in the Indictment aforesaid specified, being chosen, tryed and sworn, said upon their oaths, that the aforesaid Plaintiff was not guilty of the Trespass and contempt aforesaid, in the Indictment aforesaid specified, as by the same testimony was supposed. Therefore it was then considered by the Justices aforesaid, that the aforesaid Plaintiff should goe quit without day, &c. By reason of which said premises, the aforesaid Plaintiff hath been enforced, and compelled to expend and lay out great sums of money, and been at very great trouble and loss about the clearing of himself, and the restitution of his good name, fame and reputation, and the evacuating and making voyd of the aforesaid Indictment, to the damage of him the said Plaintiff of 100.1. And thereupon he brings his Sure, &c. Not guilty pleaded to this;

*T. Farrer* Attorney for the Plaintiff *I. Wem*  
Attorney for the Defendant.

ACTI-



# ACTIONS OF CONTINUANCE.

## CONTINUANCES.



Afterwards the Proceſſe being thereupon continued between the parties aforeſaid, of the aforeſaid Plea put here between them in reſpite before the Lord the King at *Westminster*, untill Tueſday next after fifteen dayes, from the day of Eaſter from thence next following, for default of Jurors, &c. At which day before our Lord the King, at *Westminster*,

Continuance  
of a Decem-  
ber upon the  
Roll.

came the parties aforeſaid, by their Attorneys aforeſaid, And the Jurors of that Jury being called, ſome of them came, and ſome of them came not; And becauſe the reſidue of the Jurors of the aforeſaid Jury appeared not, Therefore the Jury aforeſaid is further put in reſpite before our Lord the King, at *Westminster*, untill Friday next after the morrow of the holy Trinitie, for want of Jurors, &c. Therefore the Sheriff is to have their bodies, &c. And he is to put ten others, &c. The ſame day is given to the parties aforeſaid there, &c. At which day before our Lord the King, at *Westminster*, came the parties aforeſaid, by their Attorneys aforeſaid, And the Sheriff returns the names of the ten others of which now, &c. And as to the further Execution if the Writ aforeſaid, the Sheriff returns, that the Writ aforeſaid was ſo lately delivered unto him, that for the ſhortneſſe of time he could not make any further Execution: Therefore the Jury is further put in reſpite before our Lord the King, at *Westminster*, untill Friday next after fifteen dayes of *St. Michael*, for want of Jurors, &c. Therefore the Sheriff is to have the bodies, &c. The ſame day is given to the parties aforeſaid here, &c. At which day

before



Continuance  
upon a Sum-  
mons ad Aux-  
iliand'.

before our Lord the King at *Westminster*, came the parties aforesaid, by their Attorneys aforesaid, and the Jurors of that Jury some of them came, and some of them came not, Therefore the Jury aforesaid is further put in respite before our Lord the King at *Westminster*, untill Thursday next after, from the day of *St. Michael* in three weeks for want of Jurors, &c. Therefore the Sheriff is to have their bodies, &c. The same day is given to the parties aforesaid, &c. At which day before, &c. came the parties aforesaid by their Attorneys aforesaid, And the Sheriff sent not thereupon the Writ, Therefore it is commanded him as otherwise, that he Summon by good Summoners, the aforesaid, *W.* that he be before, &c. (such a day) wheresoever, &c. to joyn himself in aid to the foresaid *L.* to expect and maintain that issue with the aforesaid *L.* if, &c. And further, &c. And as to the trying of those issues above joyned, The Jury is thereupon to come before our Lord the King at the same Term, wheresoever, &c. And who neither, &c. to Recognize, &c.

Continuance  
of a Demur-  
rer in Law,  
and an Issue.

**A**T which day here came the parties aforesaid, &c. And because the Justices will advise themselves of, and in the aforesaid Plea, whereupon the parties aforesaid have above demurred in Law, before they thereupon render Judgement, Therefore day is given to the parties aforesaid here until eight daies of *St. Hillary* of hearing thereupon this judgement, Because the Justices here have not as yet, &c. And as to the trying of the issue aforesaid between the same parties by the Countrey to be tried above joyned, The Sheriff hath not sent the Writ, Therefore as formerly, Command is to the Sheriff, that he cause to come at the same Term, twelve, &c. To Recognize in form aforesaid, &c.

Continuance  
of *Scire factus*  
in a Writ of  
Error.

**A**T which day before our Lord the King at *Westminster*, came the aforesaid Plaintiff in a Writ of Errour, in his proper person, And the Sheriff sent not the Writ, thereupon, &c. Therefore as otherwise it is Commanded the Sheriff, that by honest men, &c. he make known to the aforesaid Defendant, that he be before our Lord the King (such a day) wheresoever, &c. To hear the Record and Proccesse aforesaid, And further, &c. The same day is given to the aforesaid Plaintiff, by the aforesaid Manuceptors, &c.

Continuance  
of a Judge-  
ment after  
Verdict.

**A**T which day before our Lord the King at *Westminster*, came the parties aforesaid, by their Attorneys aforesaid, And because the Court of our Lord the King here of their judgement to be rendered, of and upon the Premises, are not as yet advised, Therefore day is given to him the said Plaintiff in the same state, &c. is now in before our Lord the King untill (such a day) wheresoever, &c. of hearing thereupon their judgement, &c.

At



**A**T which day before our Lord the King at *Westminster*, came the aforeſaid Plaintiff by his Attorney aforeſaid, And the aforeſaid Defendant came not, nor the Sheriff thereupon ſent the Writ, Therefore Command is to the Sheriff, that if now he cauſe him to be called from County to County, untill he ſhall be Outlawed, if not, &c. And if, &c. then he ſhall take him, and ſafely keep him, ſo that he may have his body before our Lord the King (ſuch a day) whereſoever, &c.

Continuance  
of an Exi-  
gent.

**A**T which day before our Lord the King at *Westminster*, came aſwell the parties aforeſaid, by their Attorneys aforeſaid, as the aforeſaid three Jurors of the firſt inquiſition formerly appearing in their proper perſons, And the Sheriff hath not ſent the Writ, Therefore the Jury of the twenty four Knights aforeſaid, remains to be taken before our Lord the King, on the Morrow, &c. whereſoever, &c. for default of Jurors of the ſame Jury of 24. Knights, &c. And Command is to the Sheriff, that he diſtrein the Jurors of the ſame Jury of 24. Knights, by all their lands, &c. And that of the iſſues, &c. So that he may have their bodies before our Lord the King at the ſame Term; The ſame day is given aſwell to the parties aforeſaid, as to the aforeſaid three Jurors of the firſt inquiſition aforeſaid, now appearing, &c.

Continuance  
of a *Distingas*  
in Attain.

**T**He Jury between *C. J.* by his Attorney Plaintiff, and *E. R.* of a Plea of Debt put in reſpite before our Lord the King at *Westminster*, untill (ſuch day) &c. unleſs, &c. firſt, &c. at (ſuch a place) &c. by the form of the Statute, &c. Come for default of Jurors; At which day before our Lord the King at *Westminster* came the parties aforeſaid, by their Attorney aforeſaid, And the aforeſaid Juſtices, before whom, &c. have ſent here the Record of the Jury aforeſaid, before them had, in theſe words; Afterwards at the day and place aforeſaid, (reciting the Record untill) came as well the within named, &c. as the within written; &c. And the Jury likewise called, ſome of them came, and ſome of them came not, as appears in the Panell, &c. Therefore as formerly the Jury aforeſaid is put in reſpite before our Lord the King, &c. untill, &c. Therefore the Sheriff, &c. is to put ten ſuch, &c. The ſame day is given to the parties aforeſaid, here, &c.

Continuance  
of a *Jurata*  
for want of  
Juror, and a  
*Decem Tales*  
awarded.

**A**T which day before our Lord the King at *Westminster*, came the parties aforeſaid, by their Attorneys aforeſaid, And becauſe the Court of our Lord the King here aſwell of their judgement upon the Verdict aforeſaid, as of their judgement of the matter in Law and Verdict.

Continuance  
upon a matter  
in Law and  
Verdict.



above pleaded to be rendred, are not as yet advised; Day is thereupon further given to the said parties in the state wherein they are now, before the Lord the King, at *Westminster*, untill eight dayes of *St. Hillary*, wheresoever, &c. of hearing thereupon their judgement, &c. for that the Court of our Lord the King here is not as yet, &c.

Continuance  
in Attaint  
where the Sher-  
riff Returns  
not the Writ,  
and out of the  
assent of the  
parties the ju-  
ry is not ta-  
ken.

**A**T which day before our Lord the King, at *Westminster*, came as well the parties aforesaid, by their Attorneys aforesaid, as the aforesaid seven Jurors of the first Inquisition aforesaid, formerly appearing in proper person, And the Sheriff Returns the Writ to our Lord the King thereupon, in all things prepared and executed. But the Jurors of those twenty four Knights, aswell of the assent of the parties aforesaid, and the aforesaid seven Jurors of the former Inquisition aforesaid, as of the Jurors aforesaid of the twenty four Knights remains to be taken before our Lord the King, untill the Morrow, &c. wheresoever, &c. And Command is to the Sheriff, that he distrein the Jurors of the same Jury of twenty four Knights by all their lands, &c. And that of the Issues, &c. And that he have their bodies, &c. before our Lord the King at the same Term, &c. the same day is given aswell to the parties aforesaid, as to the aforesaid seven Jurors of the first Inquisition aforesaid, now appearing, &c.

Continuance  
by a Writ of  
adjournment.

**B**Efore which day the Plaint aforesaid was adjourned by the Writ of our Lord the King of Common adjournment, untill eight dayes of *St. Hillary* then next following, wheresoever, &c. At which said eight dayes of *St. Hillary*, the Plaint aforesaid was further adjourned by the Writ of our Lord the King, of Common adjournment, untill from the day of Easter in fifteen dayes unto the Castle of *Hereford*, At which day, &c.

Continuance  
of the Jurata,  
where the  
Plaintiff ac-  
knowledgeth  
one of the  
Defendants to  
be dead.

**A**T which day came aswell the aforesaid *P.* as the aforesaid *R.* by their Attorneys aforesaid, And the aforesaid *P.* sayes, that the aforesaid *A.* is dead, &c. Therefore against him nothing is further thereupon to be done, &c. And thereupon the parties aforesaid now appearing, The Sheriff thereupon sent not the Writ, &c. Therefore as formerly the Jury aforesaid is put in respite before our Lord the King, untill in eight daies, &c. wheresoever, &c. for default of Jurors, &c. Therefore the Sheriff is to have their bodies, &c. The same day is given to the parties aforesaid now appearing, &c.

Continuance  
of a Jurata by  
the assent of  
the parties.

**T**He Jury between *I. S.* Esquire Plaintiff, and *T. W.* of, &c. of a Plea of Trespass put in respite here untill (such a day, &c.) aswell of the assent of the parties aforesaid, as of the Jurors of the same Jury now here at this day, to wit, from the day of Easter,

ster, &c. appearing, Therefore the Sheriff is to have their bodies, &c.

**T**He Iury between *T. W. Gent.* by his Attorney, Plaintiff, And *G. D. of &c.* ( of such a Plea ) put in respite before our Lord the King at *Westminster*, untill Tuesday next after Eight dayes of Saint *Michael*, unlesse the Iustices of the Assizes of our Lord the King, in the County aforesaid, assigned to be taken first on Monday the eighth day of *August*, at *Newark upon Trent*, in the County aforesaid, by the form of the Statute, &c. Come for default of Iurors, &c. Therefore the Sheriff is to have the bodies, &c. The same day is given to the parties aforesaid, here, &c. And it is to be known, that the Writ of our Lord the King, thereupon the fourth day of *July*, in this self-same Term, before our Lord the King at *Westminster* is delivered of Record, to the Deputie of the Sheriff of the County aforesaid in form of Law to be Executed under a penaltie, &c.

*Jurata* which serves either for debt, trespass, or Ejectione firme.

**U**Nless the beloved and faithfull, &c. *John Popham Knight*, Chief Iustice of our Lord the King, of the Pleas in the Court of him the said Lord the King, before him the said King assigned to be held first on Saturday next after, &c. at *Gild-hall London*, by form of the Statute, &c. as in the next before.

This difference in *Guild-hall London*, before the Chief Justice.

f 3.

ACTIONS





# ACTIONS of COMMITTITVR.

## COMMITTITVR.

*Committitur of  
a Prisoner to  
the Marshall,  
being under  
the Custodie  
of the Sheriff  
by a Case.*



Afterwards, to wit, the twenty fifth day of *May* then next following before our Lord the King at *Westminster* came *W. R.* in his proper person under the Custody of the Sheriff of the County aforesaid, in Execution for the damages aforesaid, by vertue of the Writ of our Lord the King, of *Capias ad satisfaciendum* to him the said Sheriff, of, and upon the Premisses directed, which said *R.* is committed to the Marshall, &c. there to remain, untill, &c. according to the form of the judgement aforesaid, &c.

*Committitur of  
a Prisoner  
upon a Case.*

Command was to the Sheriff, that he should take, &c. Whereof he is Convict, And now here know aswell the aforesaid *A.* by his Attorney aforesaid, as the aforesaid Defendant in his proper person, by the Sheriff of the County aforesaid, brought to the Bar, And the Sheriff now returns, that he took the bodies of him the said Defendant, And that he had him now here ready, upon which the same Defendant is Committed to the Prison, &c. by occasion of the Premisses to stay untill, &c.

*Commitment  
after judg-  
ment.*

Afterwards, to wit (such a day) then next following, before, &c. Came the aforesaid *I.* in his proper person, and rendred himself to the person of the Marshall of the Marshallsee of our Lord the King, for the debt and damages aforesaid, Upon which the same *I.* is committed to the Marshall of the Marshallsee, &c. in Execution for the debt and damages aforesaid, There to remain untill, &c.

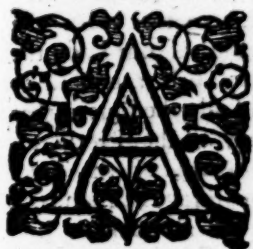
ACTIONS





# ACTIONS OF ERROR.

## ERROR.



Afterwards, to wit, (such a day, &c.) in this self-same Term before our Lady the Queen at *Westminster*, came the aforesaid *Nicholas Stoddard* by *William Man* his Attorney, And sayes, that in the Record and Processe aforesaid, as also in the rendring of the judgement aforesaid, it is manifestly Erroneous in this, That whereas in every judgement Entred, or to be Entred in Trespals and Assault, after the generall pardon of our Lady the Queen that now is, by Act of Parliament, of Trespals and assault made before the same act of Parliament, the judgements so Entred, and to be Entred, ought to be Entred, And nothing of fine of the aforesaid Defendant, because he is pardoned, and not that he should be taken, yet after the generall Pardon of our Lady the Queen that now is, had, and Enacted in the Parliament of our Lady the Queen that now is at *Westminster*, in the County of *Middlesex*, the twenty fifth day of *October*, in the thirty ninth year of the Reign of our Lady the Queen that now is, the Judgement aforesaid was Entred against the aforesaid *Nicholas*, in the Plea aforesaid, that he the said *Nicholas* should be taken for the Trespals and Assault aforesaid, made the aforesaid tenth day of *September*, in the thirty seventh year aforesaid, in the Record aforesaid specified, which was long before the aforesaid act of Parliament, of the generall Pardon aforesaid, And so that Judgement is void in Law.

Also it is Erroneous in this, for that whereas the aforesaid *John S.* the

Error alleged in assault and battell in the judgement, that the Entry was that the partie be taken, when the cause of action was before a general Pardon.



Error also for  
want of ad-  
mission by  
Proctor any,  
the partie be-  
ing within  
age.

certified to  
the Chief Ju-  
stice awarded  
to certify, &c.

The Certifi-  
cate of the  
Chief Justice.

Denotter in  
Law to the  
first matter of  
the Errors.

the aforelaid Term of Easter, in the aforelaid forty first year of the Reign of the Queen, had prosecuted by *John Mallows* and *William Evoring*, as the next kinsmen of him the said *John*, yet there is not had any Record of the admission of the aforelaid *I. S.* being an Infant, in form aforelaid, to prosecute the Plea aforelaid, by his next kinsmen aforelaid, under the names of any of the Prothonotaries of the Common Bench Entred, as by the Law and Custom of the Court of our Lady the Queen, of Common Bench aforelaid, it ought to be Entred, And prayes a Writ of our Lady the Queen, to the aforelaid *Edmond Anderson* Knight, Chief Justice of our Lady the Queen of the Common, to whom it belongs to make Certificates in that behalf, to certifie our Lady the Queen thereupon more fully the truth, And it is granted unto him, &c. By which it is Commanded the aforelaid *E. Anderson*, Chief Justice of the Bench aforelaid, That having searched the Rolls, under the names in the Offices of the Prothonotaries aforelaid of the admission of Infants to prosecute by their next kinsmen of the Term and year aforelaid; And what of the admission aforelaid in the same, he shall find, he should certifie forthwith to our Lady the Queen, wheresoever, &c. together with the Writ to him directed, &c. Which said Chief Justice of our Lady the Queen, of the Bench aforelaid, by vertue of the Writ aforelaid to him thereupon directed, certified to her the said Lady the Queen, that having searched the Rolls of the Entries of every of the Prothonotaries aforelaid, in the aforelaid County of *Suffolk*, of the Term and year aforelaid in his Custody of Record remaining, he found not in the same any Entrie of the admission of the aforelaid *I. S.* to prosecute by *I. M.* and *W. E.* the next kinsmen of him the said *I.* being within age, against the aforelaid *N. S.* of the aforelaid Plea, as by the aforelaid Writ it was Commanded unto him, which said Writ is Filed amongst the Records without day of this Term, Upon which the aforelaid *N. S.* prayes a Writ of our Lady the Queen, to warn the aforelaid *I. S.* of being before our Lady the Queen, to hear the Record and Processe aforelaid, And it is granted unto him, &c. By which it is Commanded to the Sheriff, that by honest men, &c. he make known to the aforelaid *I. S.* that he be before our Lady the Queen, from the day of Easter in fifteen dayes, wheresoever, &c. to hear the Record and Processe aforelaid, if, &c. And further, &c. The same day is given to the aforelaid *N. S.* &c.

And the aforelaid *I. S.* by *T. Bland* his Attorney comes, and as to the aforelaid first matter, by the aforelaid *Nicholas* above for Error in form aforelaid assigned, For that, that after the Generall Pardon of our said Lady the Queen that now is, had, and enacted in the aforelaid Parliament of our Lady the Queen, that now is, at *Westminster* aforelaid, the aforelaid twenty fifth day of *October* in the thirty ninth

ninth year of her Reign aforesaid, the judgement aforesaid was entered against the aforesaid *N.* in the Plea aforesaid, that he the same *N.* should be taken for the Treipsais and Assault aforesaid, made the aforesaid tenth day of *September*, in the thirty seventh year aforesaid, which was long before the aforesaid Act of Parliament of Generall pardon aforesaid; The same *I.* by Protestation, that that matter, for that Error in form aforesaid assigned, is insufficient in the Law to maintain the aforesaid Writ of Error of him the said *N.* in that behalfe, To the which he the said *I.* hath no necessitie, nor by the Law of the Land is bound in any manner to rejoyne for Plea, yet he saith, that in the aforesaid Court of Bench aforesaid, there is had, and time out of mind there hath been had such a Custom used and approved; That is to say, that the Clerks of the same Court, who for the time being are assigned and allowed to enter and Record any Judgements in the same Court from time to time rendred, and to be rendred, were used and accustomed in the Entries of the Rolls and Records of the same Court, of the Judgements rendred in the same Court, upon any action of Treipsais, against the Defendant in the same action named, for any Treipsais committed before any Generall Pardon, to Enter aswell in the end of such Judgement, And nothing of Fine of the aforesaid Defendant, becaute he is pardoned, As in the End of such Judgement, And the aforesaid Defendant is to be taken, and to note in the Margent of the same Rolls directly opposite to the word *Capiatur* in the Judgement this word (Pardoned) by that means giving direction to the Clerk of the Eitreates of the same Court, where he may find them amongst the Rolls of the same Court, against whom he the said Clerk doth send out, and direct Writs of our Lord the King of *Capias pro fine*, to compell them to render themselves, and come under their Fines in the same Court for their Treipsais, and other causes fineable, according to the Custom and Law of the Land, of this Kingdom of *England*, And against whom he should omit and forbear to send forth the like Writs, And that the same Entrie of Pardon in the Margent of the Record aforesaid is, and for the whole time aforesaid, was as sufficient a discharge of the aforesaid partie against whom the Judgement in the same Record is rendred, that he should be taken, as if within the same Record it had been Entred nothing of the Fine of that partie, becaute he is pardoned. And the aforesaid *I. S.* in fact saith, that in the Record aforesaid, sent before our Lady the Queen, the aforesaid word (Pardon'd) in the Margent of the same Record is entred, and noted according to the Custom aforesaid, as by that Record above appeareth. And as for the other matter by the aforesaid *N.* for his last Error in form aforesaid assigned, the same *I. S.* sayes, that in the aforesaid Court of the Bench aforesaid there is had, and time out of

The Custom  
of the Com-  
mon Bench  
alleged for the  
manner of  
Enteing judg-  
ment in the  
Case.

The Plaintiff  
sets forth the  
Custom to  
Enter the ad-  
mission upon  
the Roll  
wherein the  
Declaration  
is Entred.

*Certiorare* a-  
warded to  
Certifie the  
full truth.

mind there hath been had such a Custome used and approved, that is to say, that every admission of any Infant to prosecute in the same Court of Bench aforesaid, by his next kindred, in any Plea to be entered and inrolled, were used to be Entred and inrolled in the Roll wherein the Declaration in that Plea was Entred and inrolled, And the same *I.* further saith, that the Declaration aforesaid, of him the said *I.* in the Plea aforesaid, against him the said *N.* was Entred amongst the Rolls of *Robert Berners* Gent. *Phillizer* of the County of *Suffolk*, to wit, in the Roll 386. as in the Record aforesaid sent here to the Court of our Lady the Queen more fully appears; And the same *I. S.* further saith, that although the aforesaid Chief Justice of the Common Bench hath certified to the Lady the Queen, that having searched the Rolls of the Entries of every the Prothonotaries of the aforesaid County of *S.* of the Term and year aforesaid, in his Custodie remaining of Record, he had not found in the same any Entrie of the admission of the aforesaid *I. S.* to prosecute by the aforesaid *I. M.* and *W. E.* next of kindred to him the said *I. S.* being within age, against the aforesaid *N. S.* of the aforesaid Plea, yet there is had such a Record of the admission of the aforesaid *I. S.* so being within age, to prosecute in the aforesaid Court of Bench, by the aforesaid *I. M.* and *W. E.* his next kindred, against the aforesaid *N. S.* of the aforesaid Plea Entred in the same Bench, in the aforesaid Roll 386. on which the Declaration aforesaid, as is aforesaid, remains Entred according to the Law and Custom of the said Court of Bench aforesaid; Which said Record as yet remains before the aforesaid Justices of the Common Bench, under the Custodie of the aforesaid Chief Justice omitted as yet to be certified to our Lady the Queen, And the same *I. S.* prays a Writ of *Certiorare* of our Lady the Queen, to the aforesaid Chief Justice of the Common Bench to be directed, to whom the certifying aswell of the omission aforesaid, as of the Customs aforesaid, rests to be made, to Certifie our Lady the Queen more fully of the truth thereof, and it is granted unto him, &c. By which it is Comanded to the aforesaid Chief Justice of the Common Bench, that searching the Rolls of the Entries of the aforesaid *Phillizer* of the aforesaid County of *Suffolk*, of the aforesaid Term of Easter, in the sixteenth year aforesaid, And what in the same Rolls of the omission aforesaid he shall find, as also the whole and full certaintie and truth of the aforesaid severall Customs of the said Court of our Lady the Queen, of the Bench, from the day of the holy Trinity in fifteen dayes, wheresoever, &c. he do certifie, together with the Writ of our Lady the Queen to him thereupon directed; The same day is given to the parties aforesaid, &c. At which day before our Lady the Queen, at *Westminster* aforesaid, came the parties aforesaid by their

Attorneys



Attorneys aforesaid, And the aforesaid chief Justice of our Lady the Queen, of her Bench aforesaid, by vertue of the Writ aforesaid, to him thereupon in form aforesaid directed, certified to her the said Lady the Queen, at *Westminster*, at the same day, That in the Court of the Lady the Queen of Common Bench, There is had such a custom used and approved, that the Clerks of the same Court, who for the time being are assigned and allowed to enter and Record in the Rolls and Records of the same Court any judgements in the same Court from time to time rendred, and to be rendred, were used and accustomed in the entry in the Rolls and Records of the same Court, the judgements rendred in the same Court, in and upon any action of Trespass against the Defendant in the same action named for any Trespass committed before any generall pardon, to enter aswell in the end of such judgement, And nothing of Fine of the aforesaid Defendant, because he is pardoned, as in the end of such judgement, And the aforesaid Defendant is to be taken, And to note in the Margent of the same Roll direct opposite to those words in the judgement this word (pardon) for that reason to give direction to the Clark of the Extreates of the same Court, where he shall find amongst the same Rolls of the same Court, against whom he the said Clark doth send or direct Writs of our Lord the King, of *Capias pro fine* to compell them to render themselves, and to undergoe their fines in the same Court, for their Trespases, and other causes, fineable according to the custom and Laws of this Kingdom of *England*, And against whom he is to omit and forbear to send forth and direct such Writs, And that such entry (of pardon) in the Margent of the Record aforesaid is, and by the whole time aforesaid was as sufficient a discharge of the party aforesaid against whom the judgement in the same Record was rendred, that he should be taken as if it were entred in the same Record within, And nothing of Fine of that party, because he is pardoned, as the aforesaid *J. S.* by his Plea aforesaid above hath alleged, And further the aforesaid chief Justice of our Lady the Queen of her Bench aforesaid, by vertue of the aforesaid Writ of our Lady the Queen further certifies that having serched the Rolls of *Robert Berners Phillizer* of the County of *S.* of the Term of Easter in the 41. year of the Reign of our Lady the Queen, that now is, he finds as within in these words appears, That is say, Pleas at *Westminster* before *Edmund Anderson* Knight, and his fellows Justices of our Lady the Queen of her Bench, here of the Term of Easter, in the Reign of our Lady *Elizabeth* by the grace of God, &c. the 41. Roll 386.

The Entry  
of the War-  
rant of admis-  
sion with the  
Philizger.

**I** John Mallows and W. E. are admitted by the Court of our Lady the Queen, here to prosecute for J. S. who is within age, as the next of Kindred of him the said J. S. against N. S. late y of, &c. Gentleman, of a Plea of Treipais and assault, Which said Writ so as aforesaid returned amongst the Records of this Court is filed. Upon which the aforesaid J. S. sayes, that in the Record and Process aforesaid, nor in the rendering of the judgement aforesaid, there is nothing erronious, and prayes that the Court of our Lady the Queen, here may proceed unto examination, aswell of the Record and Process aforesaid, as of the matters aforesaid above for errors assigned, and that the judgement aforesaid may be affirmed, And because the Court of our the Lady the Queen, here of their judgement, of, and in the premises to be rendred, are not as yet advised, day thereupon is given to the parties aforesaid, before our Lady the Queen, untill eight dayes of St. Michael where-soever, &c. of hearing thereupon their judgement, for that the Court of our Lady the Queen, here thereupon are not as yet, At which day before our Lady the Queen, at Westminster, came the parties aforesaid by their Attorneys aforesaid, and upon this all and singular the premises, being by the Court of our Lady the Queen, here seen and fully understood, and mature deliberation thereupon had, for that, that it seems to the Court of the Lady the Queen here, that aswell the aforesaid Writ of Certiorare, to the aforesaid chief Justice of the Common Bench in form aforesaid issued and directed, as the aforesaid answer of the same chief Justice of the Bench unto that Writ as now it remains filed upon Record, before our Lady the Queen, does not sufficiently and fully agree, and answer the aforesaid allegation of the aforesaid J. S. as to the aforesaid custom of the said Court of Bench, for the entering of an admission of an Infant, to prosecute by his next of Kindred in any his Pleas in the Rolls of the same Court, where the Declaration of such infant is entered and enrolled by the aforesaid J. S. above alleged, so that the same Court of our Lady the Queen, before her the said Queen, here for the incertaintie of the truth of such custom of the said Court of Bench, in that behalf in form aforesaid alleged, to their judgement of, and upon the premises, aswell on the part of the aforesaid N. S. in deniall, as on the part of the aforesaid J. S. in affirmation to the judgement aforesaid above alleged cannot proceed, Without more full information of the consciences of the Justices, And that the Court of our Lady the Queen, here before her the said Queen, of the truth of the custom of the said Court of Bench in that behalf above alleged, Therefore it is commanded the aforesaid chief Justice of the Bench aforesaid,

An Alias Cer-  
tiorare was  
dced.

aforesaid, that he the full and whole certaintie, and truth of the aforesaid custom of the said Court or Bench, of the entrie of the admission of Infants to prosecute by their next of Kindred in personall Pleas in the same Court by the aforesaid *I. S.* above alleged, to our Lady the Queen aforesaid, from the day of *St. Hilary* in fifteen dayes wheretoever, &c. doe certifie together with the Writ thereupon to him directed, &c. The same day is given to the parties aforesaid, &c. At which day before our Lady the Queen, at *Westminster* aforesaid, came the parties aforesaid by their Attorneys aforesaid, And the aforesaid Chief Justice of our Lady the Queen, of the Bench aforesaid, by vertue of the Writ aforesaid, to him thereupon in form aforesaid directed, to her the said Lady the Queen, at *Westminster* aforesaid, at the same day certified, that in the said Court of our Lady the Queen of the Bench is had, and from the time out of mind, there hath been had such a custom used and approved in the same Court of Bench, that every admission of any Infant to prosecute in the same Court of Bench aforesaid, by his next of Kindred, in any Plea entred and inrolled, and to be entred and inrolled, have been used and accustomed in the Roll, where the Declaration in that Plea is entred and inrolled, Which said Writ so as aforesaid returned, together with the return thereupon, amongst the Records of this Court is filed; And upon this the aforesaid *I. S.* further prayes that the Court of our said Lady the Queen, here may proceed to the Examination aswell of the Record and Process aforesaid, as of the aforesaid matters above for errors assigned, and that the judgement aforesaid may be affirmed, and because the Court of our said Lady the Queen, here are not as yet advised of, and upon the rendering their judgement, of, and upon the premises, day is thereupon further given to the parties aforesaid, before our Lady the Queen, untill from the day of *Easter* in fifteen dayes wheretoever, &c. of hearing thereupon their judgement, For that the Court of our said Lady the Queen here, thereupon as yet have not, &c.

The Return  
of the Certiorari

*Mich. Term*  
41. & 42.  
Judgement  
was affirmed  
in this cause.  
*Roll. 417.*

**A**fterwards, to wit on Saturday the 9. day of *February* in the 2. year of the Reign of our Lord the King that now is, The transcript of the Record and Process aforesaid, between the parties aforesaid, with all things touching them, by reason of a certain Writ of our Lord the King of correcting error, by them the said *Thomas Scot, Elizabeth* and *Thomas Forn* of and upon the premises prosecuted before the Iustices of our said Lord the King of his Common Bench, and the Barons of the Exchequer of our said Lord the King in the Exchequer Chamber aforesaid, according to the form of the Statute in the Parliament of the Lady *Elizabeth* are

The affirmation of a judgement upon a Writ of Error out of the Kings Bench into the Exchequer Chamber.

Queen of England, at Westminster, the 23. day of November in the 27. year of her Reign, held and published from the aforesaid Court of our Lord the King that now is here before him the said King were transmitted, And the aforesaid *T. S. E.* and *T. Fen* in the same Court of the Exchequer Chamber aforesaid, have assigned divers matters for Errors, in the Record and Process aforesaid, for revoking and annihilating of the judgement aforesaid, to which the same *E.* and *R.* in the same Court appearing pleaded, that neither in the Record nor Process aforesaid, nor in the rendring the judgement aforesaid, there was in any thing Error, Afterwards to wit on Saturday the 9. day of February in the aforesaid second year of our said Lord the King, in the same Court of Exchequer Chamber aforesaid, the premises being seen, and by the Court of our Lord the King here diligently examined and fully understood, Aswell the Record and Process aforesaid, and the judgement aforesaid upon the same rendred, as the aforesaid causes of Errors aforesaid by the aforesaid *T. S. E.* and *T. F.* above alleged and assigned, For that, that it seems to the Court here, that the Record aforesaid is in nothing vicious and defective, And that the Record aforesaid was in nothing Erronious, Therefore it was considered if that the judgement aforesaid in all things be affirmed, and continue in all his force strength and effect, notwithstanding in any thing the said causes of Error above assigned and alleged, And further it was considered of in the Exchequer Chamber aforesaid, that the aforesaid *E. R.* should recover against the aforesaid *T. S. E.* and *T. F.* 100.s. to them the said *E.* and *R.* of their assent by the Exchequer Chamber aforesaid adjudged according to the form of the Statute thereupon published and provided, for the damages, costs and charges, which they had by delay of the Execution of the judgement aforesaid, by reason of the prosecution of the aforesaid Writ of Error, And thereupon the Record and Process before the aforesaid Justices of the common Bench, and Barons of the Exchequer aforesaid in the premises had, They the same Justices of the Common Bench and Barons of the Exchequer aforesaid, before our said Lord the King wheresoever, &c. they remit according to the form of the Statute aforesaid, which to the said Court of our Lord the King now reciding, &c.

**ACTIONS**





# ACTIONS OF ESCAPE.

## ESCAPE.



**R**. Executrix of the testament, &c. complains of S. S. and H. C. lately Sheriffs of the County of *Middlesex*, in the Custodie of the Marshall, &c. For that, that is to say, whereas one G. S. of, &c. (such a day and year at *London* in the Parish, &c.) by his certain writing obligatory with the Seal of him the said G. sealed, and in due manner made, bearing date the same day and year, acknowledged himself to be bound and firmly obliged to the aforesaid I. in his life time in 20.s. of lawfull mony of *England*, to be payd to him the said I. when he should be thereunto required, with a condition thereupon indorsed for true payment of 12.s. of like mony, &c. upon the day of the Feast of the Ascension of our Lord then next following, which said 12.s. the aforesaid G. to the aforesaid I. in his life time, or to the aforesaid R. after his the said I. his death, he hath not payd, but the aforesaid G. forfeited the aforesaid 20.s. to the aforesaid I. in the writing obligatory contained, For the more speedy recovery of which said sum of 20.s. the aforesaid R. after the death of the aforesaid I. her Husband, to wit in the Term of Easter, in the 27. year of the Reign of our Lady the Queen that now is, before her the said Lady the Queen, at *Westminster*, had come and obtained out of the same Court of the Lady the Queen. before her the said Queen a certain precept of her the said Lady the Queen, directed to the then Sheriffs

Escape against a Sheriff upon an Arrest, upon a Bill of *Middlesex*.



Sheriffs of the aforesaid County of *Middlesex*, By which it was commanded to them the said then Sheriffs, that they should take the aforesaid *G.* if, &c. And safely, &c. So that they might have his body before our Lady the Queen, at *Westminster*, on Friday next after the morrow of the holy Trinity then next following, to answer the aforesaid *R.* of a Plea of Trespass, And that they should have there then that Precept, to that intent, that the same *R.* as executrix of the testament of the aforesaid *I.* in the same Court of our Lady the Queen, here might declare and prosecute her Bill against the aforesaid *G.* for the debt aforesaid, by the aforesaid writing obligatory done, which said Precept the aforesaid *R.* afterwards (to wit such a day and year and place) delivered the aforesaid Sheriffs in form of Law to be executed, by force of which said precept, the aforesaid *S. S.* and *H. B.* then Sheriffs of the aforesaid County of *Middlesex*, afterwards, and before the return of the same to wit such a day and year, at *I.* in the aforesaid County of *Middlesex*, took and arrested the aforesaid *G.* And him the said *G.* under their safe custody then and there had and deteyned, And he the said *G.* being so in custody of them the said late Sheriffs, They the said late Sheriffs afterwards, to wit the aforesaid (such a day and year) led the aforesaid *G.* unto the City of *London*. And him there so negligently kept, that the same *G.* afterwards (to wit the same such a day and year) at *London* in the Parish, and Ward aforesaid, from the custody of them the said late Sheriffs, did goe away and Escape. And they the said late Sheriffs, him the said *G.* to go at large whithersoever he would, they did permit, the aforesaid *R.* of the aforesaid 20.s. then and as yet being in no wise satisfied, And the said *G.* being so gone away, Escaped, and permitted to goe at large, from the custody of them the aforesaid late Sheriffs as aforesaid, the same *G.* kept himself so secretly and privately, that she the said *R.* could not procure any Writs or precepts to be served upon the aforesaid *G.* for the recovery of her debt aforesaid, By which the same *R.* sayes, that she hath not only Expended, lost and let goe divers great Expences and Charges, in and about the aforesaid Arrest of the aforesaid *G.* but also remains totally frustrate of all other remedy, for the recovery of the debt aforesaid, wherupon she saith that she is wronged, and hath damage to the value of 40.s. And thereupon she brings her sute, &c. And she brings here into Court the Letters testamentary, &c.

The Defendants plead they did make the Arrest.

And the aforesaid *S. H.* by *T. B.* their Attorney come and defend the force and injury, when, &c. And say that the aforesaid *R.* ought not to have her action aforesaid against them because they say, that they did not take nor Arrest the aforesaid *G.* in the manner

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ner and form, as the aforesaid R. above against them complaineth, And of this they put themselves upon the Country, And the aforesaid R. in like manner, &c. Therefore the Jury is to come, &c.

**R.** S. complains of *John Chaunroy* Bayliff of the Liberty of the Bishop of *London* in the County of *Middlesex*, for that where as the aforesaid R. S. on Tuesday next after a month of Easter (such a year) before our Lady the Queen at *Westminster*, had prosecuted a certain Bill against *I. T.* For that, that he the same *I. T.* (such a day and year) by force and arms, the Close of him the said R. S. at *Westminster* in the County of *Middlesex*, he had broke, And other harms to him he had done against the Peace of our Lady the Queen that now is, to the damage of him the said R. S. of 20 l. And he found pledges of prosecuting his Plaint aforesaid, to wit *John Dee* and *Richard Row*, by force of which said Bill it was commanded to the Sheriffs of *Middlesex*, that they should attach the aforesaid *I. T.* so that he might be before our Lady the Queen at *Westminster* on Thursday next after a month of Easter then next following, to answer the aforesaid R. S. of the Plea aforesaid, the same day was given to the aforesaid R. here, &c. At which day before our Lady the Queen at *Westminster*, came the aforesaid R. S. in his proper person, And *Christopher Hawks*, and *T. G.* Sheriffs of the said County of *Middlesex*, by vertue of the precept aforesaid, before our Lady the Queen, at *Westminster*, returned that the aforesaid *I.* had nothing within their Balywick, by which he could be attached, Upon which it was commanded to the same Sheriffs, that they should take him if, &c. And him safely, &c. So that they might have his body before our Lady the Queen at *Westminster*, on Monday next after eight dayes, &c. from thence next following, to answer the aforesaid R. S. of the aforesaid Plea. The same day was given to the aforesaid R. here, &c. And the aforesaid Sheriffs of *Middlesex*, by vertue of the precept aforesaid, commanded a certain Warrant to the aforesaid *I. E.* Bayliff of the Liberty of the Bishop of *London* in the County of *Middlesex*, who had full return of all Writs, Precepts and Warrants, &c. (And so recite the return) untill for that Execution thereupon, elsewhere in the County aforesaid, out of the Liberty aforesaid, could nor be made. Which said *I. C.* by vertue of the Warrant aforesaid, such a day and year at *S.* aforesaid, in the County aforesaid, took and arrested the aforesaid *I. T.* And the aforesaid *I. C.* plotting to defraud the aforesaid R. S. and to defer him from the recovery, for his Trespass aforesaid, he the said *I. T.* so taken and Arrested the aforesaid *I. C.* (such a day year and place) aforesaid suffered

Escape upon a Bill of *Middlesex*, where the Plaint and attachment is mentioned.

to go at large, by which he the same *R. S.* is deprived altogether of the recoverie for his Treipafs aforesaid, To the damage of him the said *R.* twenty pounds, And thereupon he brings his Sute, &c.

Escape against  
a Sheriff for  
not having  
the body of  
one by him  
arrested at the  
return of the  
Writ.

**H**ENRY Appleton, latly Sheriff of *Essex*, was attached by a Writ of Privilege of our Lord the King, from the Court here issuing, to answer *H. C.* one of the Attorneys of the Court of our Lord the King, of his Bench here, according to the Liberties and Privileges of the same Court for the like Attorneys, and other Ministers of the same Bench from time out of mind used, and approved in the same, of a Plea of Treipafs upon the Case, And whereupon the same *H. C.* in his proper person Complains, wherefore whereas one *T. D.* a forreign Merchant, was indebted to him the said *H. C.* in a hundred pounds of lawfull money, &c. To be payd to him the said *H. C.* when he should be thereunto required, And for that, that the aforesaid *T. D.* had not payd the same hundred pounds to him the said *H. C.* he the said *H. C.* for the more speedy recovery of that debt (such a day and year) then being one of the Attorneys of the Court of the Bench of our Lady the Queen, here according to the Liberties and Privileges of the same Court, from the whole time aforesaid, used and approved in the same, out of the same Court of Bench here prosecuted a certain Writ of Privileges of our Lady the Queen, against the aforesaid *T. D.* to the then Sheriff of the aforesaid County of *Essex*, being directed. By which said Writ our aforesaid Lady the Queen Commanded him the then Sheriff, that the same Sheriff should attach the aforesaid *T. D.* so that he might have him before the Justices of our Lady the Queen here on Tuesday next after the Morrow of all Souls then next following, to answer unto him the said *H. C.* of a Plea of Debt; Which said Writ he the said *H. C.* (afterwards, to wit, such a day and year) to the aforesaid *H. A.* then being Sheriff of the aforesaid County of *E.* at *London*, that is to say, in the Parish, &c. delivered in form of Law to be executed, by Vertue of which said Writ, the aforesaid *H. A.* (the same day and year, &c.) then being Sheriff of the aforesaid County of *E.* Commanded the Bayliff of the Libertie of our Lady the Queen, of her hundred of *B.* in the aforesaid County of *E.* (which said Bayliff had Execution of all Writs within the same Liberty, for that no Execution of that Writ could be made within his Bailiwick else-where) That he should attach the aforesaid *T.* So that he might have his body before the aforesaid Sheriff, before the return of that Writ, So that the same Sheriff might have him before the Justices of our Lady the Queen, here at the aforesaid day of Wednesday next after, &c. to answer the aforesaid *H. C.* of the aforesaid Plea. By vertue of which said Warrant, the aforesaid Bayliff after-



afterwards (to wit, such a day, year, and place) in the aforesaid County of *E.* within the Libertie aforesaid, he took and arrested the aforesaid *T.* And the same Bayliff after that taking, and arresting, and before the said day of Wednesday, &c. to wit, the second day of *N.* in the twenty seventh year aforesaid, the aforesaid *T.* to one *H. C.* then Deputie of the aforesaid *H. A.* authorized by the same *H. A.* in that behalf he delivered to be safely kept, as the aforesaid *H. A.* returned to the aforesaid Justices of our Lady the Queen here at the aforesaid day of Wednesday, &c. The aforesaid *H. A.* his Office of a Sheriff in the just and true Execution of the Writ aforesaid little caring, but knowing the aforesaid *T.* to be a fugitive and deceitfull person, and plotting and intending him the said *H. C.* to hinder from the recoverie of his debt aforesaid, and to cause him the said *H. C.* (what in him lay) wholly to lose his debt aforesaid, the aforesaid *T.* before the aforesaid Justices of our Lady the Queen here, at, or ever after the aforesaid day of Wednesday, &c. according to the purport of the aforesaid Writ he had not, but the same *T.* he the said *H. C.* of his said debt aforesaid, being in no wise satisfied, or in any manner contented, before the return of the same Writ, to wit, such a day and year at London, &c. in the Parish, &c. he suffered to go at large whithersoever he would, in the danger of the losse of the debt of the aforesaid *H. C.* For that if the aforesaid *H. A.* had had the aforesaid *T.* before the Justices of our Lady the Queen, here at the aforesaid day of Wednesday, &c. according to the purport of the Writ aforesaid, and the aforesaid Arrest, then the same *T.* ought to have found in the Court here to him the said *H. C.* sufficient Manu-captors, who must have undertaken for the aforesaid *T.* that if the same *T.* should be Convict in the Debt aforesaid, that then he the said *T.* should pay the debt aforesaid, to him the said *H. C.* or should render himself to the Prison of our Lady the Queen, of the Fleet, by occasion of the Judgement of, and upon the Premisses to be rendered, or that they the said Manu-captors, the debt aforesaid, for the aforesaid *T.* should pay to him the said *H. C.* And if the same *T.* did not find such Manu-captors, that then he should be committed to the Prison of our Lady the Queen, of the Fleet, there to stay untill he should do it, To the damage of him the said *H. C.* a hundred pounds, And thereupon he brings his Sure, &c.

And the aforesaid *H. A.* by *Thomas Foster* his Attorney comes Not guilty and defends the force and injurie, when, &c. And sayes that he is in nothing guilty of the Premisses above imposed upon him; And of this he puts himself upon the Countrey. And the aforesaid *I. C.* in like manner. Therefore Command is given to the Sheriff, that he cause to come here in eight dayes of the Purification of the blessed Virgin *Mary*, and, &c. By whom, &c. And who neither, &c. To

Recog-

Recognize, &c. Because aswell, &c. The same day is given to the parties aforesaid, here, &c.

This was tried in *London*, and a Verdict and Judgement for the Plaintiff. And a Writ of Error was brought, and assigned for Error, For that it appears not in what place the Bailiff of the Libertie delivered the Prisoner to the aforesaid *F.* the under-Sheriff, nor whether he was delivered in the County of *Essex* or no.

Error also, for that he said not in his Declaration, that the Defendant took no securitie for the appearance aforesaid, for it might be that the Sheriff delivered him up upon Bayl, according to the form of the Statute.

Error also, for that the Plaintiff said not, that the aforesaid *T.* appeared not in the Bench.

Afterwards the Defendant, after he had pleaded *in nullo est Erratum*, died, And then was made this Entrie following (as yet, &c.) Afterwards, to wit, the fifth day of *May*, in the Four and thirtieth year of the reign of our Lady the Queen that now is, before our Lady the Queen at *Westminster* came the aforesaid *H. A.* by his Attorney aforesaid, And sayes that the aforesaid *H. C.* is dead, and prayes licence to purchase a new Writ of Error, &c. And it is granted unto him, &c. And afterwards, to wit the sixt day of *May* then next following, before our Lady the Queen at *Westminster*, came the aforesaid *H. A.* by his Attorney aforesaid, And brought before our Lady the Queen, a certain new Writ of Error of our Lady the Queens, directed to the Justices of our Lady the Queen of the Pleas, before her the said Queen assigned to be held, which said Writ follows in these words, *Elizabeth*, &c. (And so recite the Writ of Error) And upon this the same *H. A.* says, that in the Record and Processe aforesaid, as also in the rendring of the Judgement aforesaid, it is manifestly Erronious, alleging for Errors the severall matters above assigned, And the same *H. A.* sayes further, that the aforesaid *H. C.* before his death, to wit, at *London* aforesaid, in the Parish and Ward aforesaid, made his last Will and Testament in writing, And thereby Constituted and ordeined *Elizabeth*, his then wife, Executrix of his Testament aforesaid, and there afterwards died; And the same *H. A.* prayes a Writ of our Lady the Queen, to warn the aforesaid Executrix of being here, &c. retornable on the morrow of the holy Trinitie, &c. wherefoever, &c. At which day came the aforesaid *H. A.* by his Attorney, And the aforesaid Defendant by *John Williams* her Attorney came, And upon this the aforesaid *H. A.* as formerly sayes, That in the Record and Premisses aforesaid, &c. it is manifestly Erronious, And the Executrix pleads, that it is in nothing Erronious, and so they continue it for argument, And afterwards upon full debate judgement was affirmed.



# ACTIONS OF DEBT, AND DIVERS OTHER Actions and Pleas.

## DEBT.

*ff.*



20. l. to be paid unto the said *W.* at the day of the Marriage of him the said *I.* and the said *W.* in fact saith, that the said *I.* afterwards, that is to say, (in such a day and year, &c.) married to wife one *M.A.* by which an Action did accrue unto the said *W.* to require, &c.

*C.* Complaineth of *I.H.* in the Custody of the Marshall, &c. of a plea, that he render unto him 20 l. of good and lawfull, &c. which, &c. for that, to wit, that whereas the aforefaid *I.* (in such a day and year) at, &c. by his certain Bill Obligatory, sealed with the Seal of him the said *I.* and unto the Court, &c. whose date, &c. acknowledged himself to owe unto the said *W.* the aforefaid

A Declaration in Debt upon a Bill, to be paid at the day of Marriage of the Defendant.

*ff. W.* *B.* next of Kin of *R.B.* deceased, Administrator of all and singular the Goods, Chattels, rights and Credits, which where of *R.B.* late of *H.* in the County of *Middlesex*, Yeoman, otherwise called, &c. deceased, which dyed intestate, complaineth of *A.N.* Widow, Administrator of all and singular the goods and chattels, rights and credits, which were of *R.N.* late of *F.* in the County of *Middlesex* Yeoman, deceased, in the custody of the Marshall, &c. of a Plea that he render unto him 60. l. of lawfull, &c. which, &c. for that, to wit, that whereas the aforefaid *R.N.* in his

Declaration in Debt for an Administrator against an Administrator.

B

life,



life, that is to say (in such a day and year) at, &c. by his certain Writing obligatory, sealed with the Seal of him the said *R.N.* in his life, and unto the Court, &c. whose Date, &c. acknowledged himself to be holden, and firmly bound unto the said *R.B.* in his life, in the aforesaid 60*l.* to be paid unto the said *R.B.* his Executors or Administrators, on the Feast of St. Michael the Arch-Angel from thence next ensuing, notwithstanding the aforesaid *R.N.* in his life, and the aforesaid *A.N.* after the death of him the said *R.N.* although often requested, &c. the aforesaid 60*l.* unto the said *R.B.* in his life, and the said *W.B.* unto whose Administration of all, and singular, the Goods and Chattels, Rights and Credits, which were of the said *R.B.* at the time of his death, by *T.Watts*, Arch-Bishop of *Middlesex* lawfully deputed 25. day of *May*, in the year of our Lord 1577. at *London*, was committed, have not hitherto paid, nor either of them hath paid; but the same unto the said *R.B.* in his life, and the said *W.B.* after the death of him the said *R.B.* have altogether denied to pay; and the aforesaid *A.N.* doth deny to pay, and the same unto said *W.* (as yet) doth unjustly detain, to the damage of him the said *W.* 40. pounds, and in delay of the Execution of the Administration aforesaid, and thereupon he bringeth his Sute, and professeth here in Court, the aforesaid Letters of Administration of the said *W.* by which it plainly makes appear unto the Court of the said Lady the Queen here, him the said *W.* to be Administrator of the Goods and Chattels aforesaid, &c.

An Action  
upon the Statute of Main-  
tenance.

The words in  
pleading, that  
the Parlia-  
ment is pro-  
rogued.

*I.F.* Who aswell for the Lady the Queen, as for himself, professeth, and complaineth of *H.B.* in the custody of the Marshalls, &c. of a Plea, that he render unto the said Queen, and unto the said *I.* 10*l.* of lawfull, &c. which unto the said Lady the Queen, and to the said *I.* who aswell, &c. doth owe and unjustly detain for that; that is to say, That whereas in the Statute in the Parliament of the Lord *H.* the 8. late King of *England*, at *Westminster*, in the County of *Middlesex* 28 day of *April*, in the one and thirtieth year of his Reign began to be held, and there through divers prorogations, untill to the 25. day of *May*, in the two and thirtieth year of his Reign prorogued and continued, and then and there held by the said Lord the King, with the assent of the Lords Spirituall and Temporall, and of the Commons there, it was enacted, that no person or persons, of whatsoever State, degree or condition he or they should be, or were from thenceforth hereafter, he or they should unlawfully maintain, or cause, or procure any unlawfull Maintenance in any Action, Demand, Sure or Complaint in any Court of the said Lord the King, of the Chancery, Star-Chamber, Whitehall, or else where within any the Dominions of the Kingdom



of England, or of Wales, or in the Marches of the same, where any person or persons, hath, or then hereafterwards should have authority by virtue of a Commission of the Lord the Kings Letters Patents, or Writ, to hold a Plea of Land, or to examine, hear or determine any Title of Land, or any matter, or Witnesses concerning the Title, Right or Interest of any Lands, Tenements, or Hereditaments; and also that no person or persons of whatsoever state, degree, or condition, he or they be, or were, from thenceforth in time to come, should unlawfully retien for maintenance of any Sute or Plea, any person or persons, to imbrace any Freeholders or Jurors, nor should suborn Witnesses by Letters, reward, promise, or any other sinister labour, or means, to maintain any matter or cause, to the disturbance or hindrance of Justice, or to the procuration, or occasioning of any Perjury by false Verdict, or otherwise, in any Court aforesaid, under the pain of forfeiting for every such offence 10.l. of which one moiety thereof should be unto the said late King, his Heirs or Successors, but the other unto him, who therefore will prosecute by action of Debt, Bill, Plaint or information in any Court of the said late King, where no Effoin, Protection, wager of Law, injunction shall be allowed, as in the same Statute amongst other things is more fully contained, notwithstanding the said *H.* the aforesaid Statute no wise regarding, nor the penalty in the same contained any manner of way fearing, a certain Bill of plaint before her, the said Lady the Queen at *W.* as yet hanging undetermined between one *R.K.* Plaintiff, and the aforesaid *I.F.* of a Plea of Trespass on the behalf of the said *R.K.* against the aforesaid *I.F.* (in such a day and year at, &c.) hath maintained and upheld, to the manifest disturbance, and hindrance of Justice, and in Contempt of the Lady the now Queen, and against the form of the aforesaid Statute, by which an Action did accrew unto the said *I.F.* aswell for the Lady the Queen, as for himself, to require, and have of the said *H.B.* the aforesaid ten pounds, notwithstanding the aforesaid *H.* although he hath been often requested, &c. the aforesaid 10.l. unto the said *I.F.* who aswell, &c. hath not as yet paid, but the same to him hitherto hath altogether denyed to pay, and as yet doth deny, to the damage of him the said *F.* five pounds, and thereupon he bringeth his Sute, &c.

**f. P.** S. Who aswell for the Lady the Queen, as for himself, prosecute, and complaineth of *W.O.* in the custody of the the Marshall, of a Plea, that he render unto the said Lady the now Queen, and unto the said *P.* 20.l. of lawfull, &c. which unto the said Queen, and unto the said *P.* who aswell, &c. doth owe, and unjustly detien for that; that is to say, that whereas in a Statute in Parliament, of the Lady the now Queen, at *W.* in the County of

A Declaration upon the Statute of Perjury.

*Middlesex*, on the 12. day of *January*, in the fifth year of her reign holden, published amongst other things, it was firmly Ordained and Enacted, by the Authority of that Parliament, that if any person or persons, after the 10th day of *April* then next following, either by subordination, unlawfull procuration, sinister perswasion, or means of any other, by their proper A& consent, or agreement, voluntarily and corruptly, should commit any voluntary perjury, by his or their deposition in any the Kings Chancery Courts of the Star-chamber, *Whitehall*, or elsewhere within the Kings Dominions of *England* or *Wales*, or in the Marches of the same, where any person or persons, hath or have authority by virtue of the Kings Commission of Paent or Writ, to hold Plea of Land, or to examine or determine any Title of land, or any matter, or Witnesses concerning the Title, Right and Interest of any Lands, Tenements or Hereditaments, or in any Courts of Record, or in any Leet or View of Frank-pledge in a Court day, called Law-day, or in any Court in antient Demesne, Hundred Court, Court Barron, or in the Court or Courts of the Stannery, in the County of *Devon*, and *Cornwall*, or being examined to the perpetuall memory of a thing, that then whatsoever person and persons so offending, and being duly convicted, or attainted by the Laws of this Kingdome of *England*, for his or their said offences, shall lose and forfeit unto the said Lady the Queen 20. pounds, and should have Imprisonment by the space of six moneths without Bail or Mainprise, and that the Oath of such person or persons so offending, from thenceforth afterwards in any Court of Record, should not be taken within this Kingdom of *England* or *Wales*, or Marches of the same, till what time the Judgement given against the said person or persons, should be made void, or revoked by Attainder or otherwise; that upon every such kind of Revocation, the parties grieved shall recover his or their Damage against all and singular such person and persons as should procure the said Judgement so revoked, to be rendered against him or them, or any of them, by Action or Actions, to be prosecuted upon his or their Case or cases, according to the course of the Common Lawes of this Kingdome of *England*, and if it should happen the said offender or offenders, not to have any goods or chattells, to the value of 20. pounds, that then he or they should be put upon the Pillory in any Market place within the County, City or Burrough, where the said offence should be committed, by the Sheriff or his Officers, if they should happen to be without any City or Town Corporate, then by the chief Officer or Officers of such City or Town Corporate, or by his or their Officers, And there should have both his ears nayled, and from thenceforth should be discredited and disabled for ever, to be sworn in any the Kings Courts of Record aforesaid, until the Judgement should be reversed,

reversed, and thereupon to recover his Damages in manner and form before mentioned, one Moity of which said sum of Money to be forfeited, in manner and form aforesaid, should be to the said Lady the now Queen, her Heirs and Successors, and the other Moity thereof, unto such person or persons, as should be grieved, hindred, or molested, by reason of the offence or offences before mentioned, who therefore would prosecute by action of Debt, Bill, Plaint, Information, or otherwise, in any the Kings Courts of Record, in which no Wager of Law, Essoin, Protection or Injunction, should be allowed, as in the said Statute, amongst other things more fully it is manifested, and it appeareth. And where also, &c.

ff. **A**. B. Late of London, Taylor, was Summoned to answer R. H. Declaration of a Plea, that he render unto him 100. pounds of lawfull money of England, which, &c. And thereupon the said R. by R. Verdict and I. his Attorney saith, that whereas he the Monday next after fifteen Judgement in dayes of the holy Trinity, in the fourth year of the Reign of the now Kings Bench Trespas in the King, before him the said Lord the King at Westminster, in his pro- upon Recogn- per Person came and appeared, and then and there in the Court of the nizeance there said King, brought his Bill against one W. G. Mercer, in the Custody of against one of the Marshal of the Marshallea of the Lord the King, before him the Bayl. King, then, and there, being of a Plea of Trespafs, and the Pledges to Easter 6. H. 8. prolecut, are Philip Mason, and John Wicham, by which said Bill the Roll. 432. the said R. Complained of the said W. of that that he the second day of July, in the third year of the said now King, with force and arms, that is to say, with Swords, &c. the house of him the said R. at London, in the Parish, &c. had broke, and other wrongs to him had done, against the Peace, &c. to the damage, &c. and the aforesaid W. by T. C. his Attorney appearing, commeth and defendeth the force and Injury, when, &c. and saith that he in no wise was thereof guilty concerning the Trespafs aforesaid, as the said R. above against him Complained, And of this he put himself upon the Countrey, And the aforesaid R. likewise, &c. therefore thereupon commeth the Jury before the Lord the King, at Westminster, the Monday next after eight, &c. of St. Michael; And who neither, &c. to Recognize, Entric of Re- &c. because aswell, &c. the same day was given to the parties afore- cognizance said, there, &c. And upon this before the said Lord the King, at after Issue] Westminster, in the said County of Middlesex, personally then and ioyned. there commeth I. G. of London, Gent. and L. G. of London, Gent. and the aforesaid A. the Manuaptors for the said W. G. that is to say, under the pain of 100. pounds, which they acknowledged, and every of them for himself acknowledged of his Lands and Chattels, and of every of them to be done, And to the use of the said R. to be le- vyed, and likewise the said W. G. assumed for himself under the pain

of 100. pounds, which he acknowledged of his Lands and Chattels to be executed, and to the use of the said *R.* to be levied, if the said *W.* all such Damages, Costs and charges, in which it should happen him, the said *W.* in the Plea aforesaid, in any manner, lawfully to be overthrown, doth neither pay, or himself to the Prison of the Marshall of the Lord the King, before him the King in that occasion not to render, &c. At which said day of Monday next, after eight, &c. of *St. Michael*, before him the Lord the King at *Westminster* commeth, aswell the aforesaid *R.* in his own person, as the said *W.G.* by his foresaid Attorney; And the Sheriff then sendeth a Writ of *Venir fac'* 24. &c. in all Services and Executions, together with the Pannell of the names of the Jurors thereupon impannelled, upon which the Jurors of that Jury being called, likewise come, who being chosen, tryed, and sworn to speak to the truth of the Premises, Say upon their Oath, that the said *W.* was guilty of the Treipais aforesaid, even as the said *R.* had above Complained; And they Assessed the Damage of him the said *R.* by reason of the Treipais (as in the Verdict) for which it was considered at that time in the same Court before him the Lord the King, that the said *R.* should recover against the said *W.* &c. (as in the Record) even as in that Record it more fully appeareth. And the said *R.* saith, that afterwards the said *W.G.* in Damage, Costs, and charges aforesaid, was convicted, and after Judgement was thereupon given; hitherto the said *W.G.* the Damage Cost and Charges unto the said *R.* hath not paid, neither himself to the Prison of the Marshall of the Lord the King, before him the said King, by that occasion hath rendred, according to the form and effect of the Recognizance aforesaid, by which an Action did accrew to the said *R.* to require and have of the said *A.* the aforesaid 100. pounds, notwithstanding the said *A.* the aforesaid 100. pounds unto the said *R.* hath not yet rendered, but the same to him hitherto to render, hath denied, and as yet doth deny; Whereupon, &c.

Declaration  
for Costs, for  
the Defen-  
dant, for the  
Plain its nat  
prosecution.  
In the sixth  
year of Queen  
Elizabeth.

ss. **G**. F. Complaineth of *I. W.* in the Custody of the Marshall, &c. for that namely, that whereas in the Statute in Parliament of the now Queen, at *Westminster*, in the County of *Middlesex*, in the eighth year of her Reign, by Prorogations continued, and then and there held, amongst the rest of the matters, it was contained, that when, and as often as any person or persons, after the first day of January then next following, should sue forth, or by any means should cause to be sued forth, out of the Court of the said Queen, commonly called the Kings Bench, any Writ or Proces of *Latitat ali as*, & *Pluries Capias* in the same Statute mentioned, against any person or persons, who upon the same Writ or Writs, should



should happen to be arrested, or which should appear upon the return of any the said Writs or Proccesses, and should put in Bayl to answer such sute, which against him should be brought according to the Common Court of the said Court, that then in every Case, if the party or parties, at whose sute, means, or procurement the said Writ or Proces is obtained, or were sued forth, within three dayes next after such Bayl had and taken, should not put in the same Court, his or their Declaration against the same party or parties, against whom such Writs or Proces were sued forth, or should be; or if after Declaration had or put in the same Court, the Plaintiff in such case should not prosecute the same with effect, but voluntarily and apparently to the said Court should suffer his or their Sute to be delayed, or after Declaration so had, should suffer the Sute to be discontinued, or otherwise Non-sute in the same, that then in every such case the Judges of the said Court for the time being, by their discretion from time to time, even as they shall see or perceive any such default to be in the partie or parties, at whose Sute, means or procurement, such Writs or Proces were sued forth, should grant and award unto every such person and persons so arrested, vexed, molested or troubled by such Writs or Sutes, his or their Costs, Damages and Charges whatsoever so sustained, by reason of such Writ, Proces, arrest, or Sute taken and sued, or had against him, to be paid by such person or persons, which so procured any such Writs or Proces to be sued forth, as before it is said. And further, by the said Statute, It was enacted, that every person and persons unto whom any Costs, Charges, Damages, Forfeiture or payment of any sum or sums of money, by authority of the said Act, should be granted, adjudged, or forfeited, at all times from thence hereafter should, or might have his, or the Remedy for the Recovery thereof, by his or their Action of Debt, Bill or Plaint in any Court of Record against such person or persons, their Heirs, Executors or Administrators, which should or ought to have paid the same by virtue or force of the said Act, in which Action, Bill or Plaint, No Esloyn, Protection, or Wager of Law should be admitted or allowed unto any Defendant or Defendants in the same, as by that Act, amongst other things plainly it doth, and may appear. Notwithstanding which, the said *I.W.* the said Statute nothing at all regarding, nor the penalty in the same contained fearing, after the said first day of *January*, in the said Statute mentioned, that is to say, in the Term of *St. Michael*, in the 12th year of the Reign of the now Queen, out of the sayd now Queen, here commonly called the Kings Bench at *Westminster*, in the County of *Middlesex*, then being sued forth, a certain Precept of the said Queen, to the then Sheriff of *Middlesex* directed, to take the aforesaid *G. if, &c.* and safely, &c. so that he should have his body before the said Queen at *West-*

*Westminster*, the day, &c. to answer unto the foresaid 7. of a Plea of Trespas. Upon which said Precept, the then Sheriff of the said County of *Middlesex* returned, that the said *I.* was not to be found in his Bailiwick. Upon which on the behalf of the said *I.* in the Court of the said Queen, before her the said Queen, it was sufficiently testified, that the said *G.* did lye hid, and run into the County of *S.* at the request of the said *I.* the said Queen then Commanded the then Sheriff of the said County of *S.* that he should take the said *G.* if he should be found in his Bailiwick, and him safely to keep, so that he should have his body before us at *Westminster*, the day, &c. to answer unto the foresaid 7. of the said Plea of Trespas, according to the expresse of that Writ, the said *I.G.* afterwards, that is to say, (in such a day and year, &c.) at *P.* in the said County of *S.* by *M.F.* the then Sheriff of the said County of *S.* by virtue of the said Writ of *Latitat* was arrested, to answer unto the said *I.* of the said Plea, according to the Compulsion of that Writ, by pretence of which said Writ, the said *G.* afterward, that is to say, the day, &c. in the year abovesaid, at *Westminster*, in the said Court of the said Queen, in his proper person appeared, and put in Bail to answer the said *I.* of the said Plea of Trespas, according to the common Course of that Court. And the said *G.* in fact saith, that the said *I.* within three dayes next following the said day of *January*, in the aforesaid year did not put his Declaration in the said Court against him the said *G.* by pretence of which the said *G.* in his proper person, as it is beforesaid, appearing here in the Court of the said Queen, before the same Queen, according to the form of the said Statute, there was adjudged unto the said *G.* 20. shillings for his Costs, Charges and Damages, by occasion of the Arrest, and vexation of him the said *G.* sustained, by which an Action did accrew unto the said *G.* to have and require of the aforesaid *I.* the said 20. shillings, according to the form of the said Statute, &c. Notwithstanding which, the said *I.* although often required, &c. the said 20. shillings, unto the said *G.* hath not yet paid, but the same unto him hitherto hath altogether denyed to pay, and as yet denieth, to the Damage, &c. And thereupon, &c.

Declaration  
upon an E-  
scape made by  
the Sheriff.

In the like  
manner the  
Plaintiff de-  
clares in debt  
upon Judge-  
ment.

*Surrey*, ss.

**A.** *B.* Complaineth of *C.D.* Esquire, late Sheriff of the County of *E.* in the Custody of the Marshall, &c. of a Plea, that he render unto him 101. pounds of Lawfull money of *England*, which unto him he oweth, and unjustly detaineth, for that, that is to say, that whereas the said *A.* formerly, that is to say, in the Term of *St. Michael*, in the 28. and 29. years of the Reign of *E.* now Queen of *England*, at *Westminster*, in the County of *Middlesex*, before her the said Queen at *W.* by *F.G.* his Attorney came and brought then, there in the said Court his certain Bill against *H.I.* in  
the

# Debt.

the Custody of the Marshall, &c. of a Plea of Debt, And there were Pledges to that Bill, that is to say, *I. Doo*, and *R. Rob*, which said Bill so by him brought, followeth in these words, *ss. London, ss. A.B.* otherwise *A.B.* of, &c. complaineth of *H.I.* of, &c. otherwise called, &c. in the Custody of the Marshall of the Marshalsey, &c. of a Plea, that he render unto him one hundred pounds of lawfull, &c. which to him he oweth, and unjustly deteyneth, for that namely, that whereas the said *H.* the 20th. day of *M.* in the said 28. eight year of the reign of the said *E.* now Queen of England, at *L.* that is to say, in the Parish of the blessed *Mary* of the Arches, &c. by his certain Writing Obligatory with his Seal, &c. and unto the Court, &c. whose Date, &c. to be paid, &c. and so repeat the whole Declaration untill, And thereupon then he brought his Sute, &c. Afterwards, that is to say, Tuesday next after eight dayes of *St. Hilary*, from thence forth next following, untill which day the said *H.* had Licence to impart to the said Bill, and then to answer, &c. before the said Queen at *Westminster*, came the said *A.* by his said Attorney, And the said *H.* although solemnly called, came not, nor any for the said *H.* said any thing in barre or preclusion of the Action of the said *A.* by which the said *A.* then remained thereupon against him undefended, And that then in the same Court it was considered, that the said *A.* should recover against the said *H.* his said Debt, and also 20. shillings for his Damages which he had susteyned, aswell by occasion of the deteyning of that Debt, as for his Charges and Costs by him about his Sute in that behalf put to, And that the said *H.* should be in mercy, &c. as by Record thereof in Court of the said Queen, here remaining more fully appeareth. And afterwards, that is to say, the fifth day of *July*, in the 29th. year of the Reign of the said Queen, for that the said *H.* the said Debt and Damages unto him the said *A.* had not paid, the said *A.* sued forth out of the Court of the said Queen, here at *Westminster* aforesaid, a certain Writ of the said Queen, to take the said *H.* to satisfie him the said *A.* of and for the said Debt and Damages, directed to the said Sheriff of the County of *E.* and returnable before the said Queen at *Westminster*, in the County of *Middlesex*, Monday next after three weeks of *St. Michael* from thenceforth next following, which said Writ, the said *A.* afterwards, and before the return of the same, that is to say, the tenth day of *S.* then next following at *Westminster* aforesaid, delivered to the said *C.D.* the Sheriff of the said County of *E.* then being in form of Law to be executed, by pretence of which said Writ, the said *C.* afterwards, that is to say, the 13th day of *October*, in the 29th year aforesaid, at *K.* in the County of *E.* aforesaid, took and arrested the said *H.* and him so arrested, did lead to the prison of her the said Queens Gaol of *E.* called *E. Gaol*, within the Town of *E.* in the

Declaration  
in Debt upon  
Obligation.

The Impar-  
tance.

Saith nothing  
in Debt.

Judgement  
upon saith no-  
thing in Debt.

said County of *E.* in his Custody, and the same *H.* in the Prison of her the said Queens Gaol of *E.* aforesaid, in the said County of *E.* in his Custody had, in Execution of, and for the said Debt and Damages, untill the Tenth day of *November*, in the 29th year above-said, and him the said *H.* so in Execution for the said Debt and Damages under the Custody of the said *C.* then Sheriff of the said County of *E.* being, the same *C.* afterwards, that is to say, the same Tenth day of *November*, in the 29th year above-said at Southwark, in the County of *Surrey* aforesaid, the same *H.* without leave, and against the will of him the said *A.* out of the Custody of him the said *A.* suffered to escape, and to go at large whither he would, the said *A.* for the said Debt and Damages, or any penny thereof then being altogether unsatisfied, by which an Action did accrew unto the said *A.* to require, and have of the said *C.* the said 101. pounds, Notwithstanding the said *C.* although often required, &c. the said 101. pounds unto the said *A.* hath not as yet paid, but the same to him hitherto hath altogether denyed to pay, and as yet doth deny, to the Damage of him, &c.

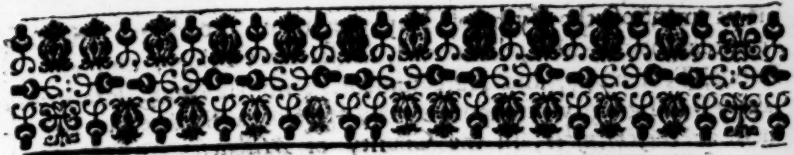
Protection  
he did not suf-  
fer to go at  
large.

And the said *C.* by *N.O.* his Attorney commeth and defendeth the force and Injury, when, &c. because protesting that the said *C.* did not take and arrest him the said *H.* by virtue of the said Writ, as the said *A.* above against him Complaineth for Plea, the said *C.* saith, that he the said *C.* did not suffer the said *H.* to escape, and to goe at large whither he would, in manner and form, as the said *A.* before against him declared. And of this, &c. And the said, &c. therefore, &c.

Declaration  
upon Account  
after Audi-  
tors assigned,  
when the De-  
fendant is  
found in ar-  
rears.

**T**S. Complaineth of *A.B.* in the Custody of the said Marshall, &c. of a Plea, that he render unto him 6. pounds of good and lawfull money, &c. which, &c. for that, to wit, whereas the said *A.B.* such a day and year, at, &c. with the aforesaid *T.* before *I.* and *F.* Auditors, assigned by the said *T.* to hear the Account of him the said *A.B.* had accounted concerning divers sums of money of his the said *T.* by the aforesaid *A.* to the Account of the said *T.* when he was thereunto required, before that time received, and upon that Account the said *A.* was found in arrearages towards him the said *T.* in the aforesaid 6. pounds, by which an Action did accrew unto the said *T.* to require and have of the said *A.* the aforesaid six pounds, the said *A.* notwithstanding, although often, &c.





# ACTIONS OF PROHIBITION.

## PROHIBITION.

¶



*Memorandum*, that the Tuesday next after the Month of Easter, in that same Term, before the Queen at *Westminster*, cometh *W. C.* in his proper person, and giveth unto the said Queen here to be understood, that whereas *M. W.* late Priorresse of the late Priorship of *P.* in the County of *W.* was of late seized of, and in the same late Priorship, of and in one

*England.*  
Suggestion where the Suggestor affirmeth the Tenement whereof the Tithes are required to be held parcel of a Priory.

Orchard, one Close, called the *Barn-yard*, containing by estimation half an acre of Meadow, and Pasture of one Close and Meadow, called *Mort Meadow*, containing by estimation sixteen acres of Pasture in *P.* in the said County, unto the same late Priory lately belonging and appertaining, and parcel of the possessions thereof, and from the time of which the Memory of men is not to the contrary, untill the time of the Dissolution or suppression of the said late Priory, and also at the time of the dissolution or suppression of the same, for himself, his Farmers or Tenants thereof for the time being, amongst other things they had held and occupied, discharged of, and from the payment of any Tythe of Hay, of, in, or upon those Tenements with th'appurtenances, or any parcell thereof yearly in whatsoever manner by the whole time aforesaid, growing, renewing, coming forth or happening, and the said late Priorresse, of the said late Priory, and of the said Tenements with th'appurtenances, so as it is before said, from

C 2

the



Statute of 27  
year of H. 8.  
for suppressi-  
on of land be-  
longing unto  
religious hou-  
ses.

Statute of 31.  
year of H. 8.  
for the dis-  
charge of  
their land for  
the payment  
of Tithes, &c.

the payment of the Tythes of Hay thereupon growing, renewing or taken, being seized, discharged, the said late Priory, and all the Lands, Tenements, and Hereditaments unto the same late Priory lately belonging, whereupon, &c. by force of a Statute in Parliament at *Westminster*, in the County of *Middlesex*, in the 27th year of the Reign of *H. 8.* late King of *England*, held, published, were suppressed or dissolved, and to the hands of the same late King by virtue of that suppression, came, by virtue of which the said late King was seized, of and in the said late Priory, and the said Tenements, called *M. Meadow*, and *R. Cloie* in his Demesne, as of Fee in right of his Crown of *England*. And whereas in the Statute in Parliament of the said late King *H. 8.* held at *Westminster* aforesaid, the 28. day of *April*, in the year of his Reign the 31th, amongst other things. It was firmly Ordained, that as well the said late King, his Heirs and Successors, as all and singular other Persons, their Heirs and Assigns, who then had, or from thenceforth afterwards should have any Monasteries, Abbeys, Priors, Nunneries, Colleges, Hospitalls, Fryer houses, or other Ecclesiasticall houses, or places, Sites, Circuits, and Precincts of them, or any of them, or any Mannors, Rectories, Appropriations, Tythes, Pensions, Portions, or any Hereditaments whatsoever, which before then did belong or appertain, or which then did belong or appertain unto the said Abbeys, Monasteries, Priors, Nunneries, Colleges, Hospitalls, Fryer houses, or other Religious and Ecclesiasticall houses or places, or unto any of them, they should have, hold, retein, keep and enjoy aswell the said Rectories, Appropriations, Tythes, Pensions, Portions, as the said Monasteries, Abbeys, Priors, Nunneries, Colleges, Fryer houses, and other Religious and Ecclesiasticall houses, Sites, Circuits, and Precincts, Mannors, Messuages, Lands, Tenements, and other Hereditaments whatsoever, and all of them according to their estates, and every of their Titles, discharged and acquitted from the payment of Tythes, so freely, and in as ample manner and form, as the said late Abbots, Priors, Nuns, Prioreffe, and Ecclesiasticall Governours, or Governesses, or of any of them, they should have, hold, occupy, possesse, use or enjoy the same, or any parcell thereof, at the dayes of their dissolution, suppression, dissolution, forfeiture, Surrender, or comming to the hands of the said late King, of such Monasteries, Abbeys, Priors, Nunneries, Colleges, Hospitalls, Fryer houses, or other Religious houses, or places, or at the day of Dissolution, Surrender, or be comming to the hands of the said Late King of any of them by the said Act, or any thing in the same contained to the contrary thereof notwithstanding, by force of which said Statute, or by pretence of the rest of the Premises, the said late King *H. 8.* held the said Premises, with the appurtenance called *M. Meadow*, and *R. Cloie*

Clofe by himfelf, his Farmees and Tenants thereof, had, and held difcharged from the payment of the Tyth of Hay, of, in, and upon the fame tenements, with th'appurtenance, or any parcell thereof yearly in whatfoever manner growing, renewing, comming or happening, and fo thereof being feized the faid late King afterwards, that is to fay       day       in the year of his Reign       at *Westminster*, in the County of *Middlefex*, by his Letters Patents, fealed with his great Seal of *England*, and in due manner executed, bearing date the fame day and year, gave and granted the faid Tenements with th'appurtenances called *M. Meadow*, and *R. Clofe* with th'appurtenance unto the aforefaid *W.C.* To have to him, and his Heirs for ever, To hold of the fame late King, as of       by pretence of which faid Letters Patents, the faid *W.C.* into the faid tenements called *M. Meadow*, and *R. Clofe*, with th'appurtenance, entered, and was thereof feized in his Demefn, as of Fee, and to thereof being feized, the fame tenements, with th'appurtenances, by himfelf, his Farmers or Tenants, had and held, difcharged from the payment of any Tyth of Hay, of, in, or upon the faid Tenements called *M. Mead*, and *R. Clofe*, or any parcell thereof, yearly in whatfoever manner, growing, renewing, comming or happening, by pretence of the faid Act, and of the reft of the Premiffes. And whereas alfo in the Statute in Parliament of the faid late King *H. 8.* held at *Westminster* aforefaid, in the 31. year abovefaid, It was enacted, that no perfon nor perfons fhould be fued, or constrained to render, give or pay any Tythes for any Mannors, Lands, Tenements, or Hereditaments, which by the Laws and Statutes of this Kingdom of *England*, or by any Privilege or prefcription were not chargeable with the payment of Tythes, And further, whereas in the Statute of the late King *Edw.* the 6th in the fecond year of his Reign, amongst other things firmly it remaineth, that no perfon fhould fue, or otherwife Compell to render, give or pay Tyths for any Mannors, Lands, Tenements or Hereditaments, which by the Lawes and Statutes of this Kingdom of *England*, or by any Privilege or Prefcription were not chargeable with the payment of any fuch Tythes of Hay thereupon growing, taken or had, but by that whole time were, and every part and parcell thereof, was altogether difcharged from the payment of fuch Tythes, as afore it is faid; And whereas alfo fuch caufes or bufineffes, and the Cognizance of the fame Pleas of Tythes againft the form of the aforefaid Acts and Statutes demanded, fhould not appertain to the Ecclefiaticall Court, in any manner, notwithstanding the faid *W.S.* Farmer of the Rectory of *R.* in the faid Counties of *Warwick*, *Worcefter* Dioceffe, not being ignorant of the Premiffes, thinking him the faid *W. C.* againft the due form of the Law of this Kingdom of *England*, and againft the form and effect of the faid

Statute 31. *H.*  
8. that no  
perfon fhould  
be fued or  
constrained to  
pay Tythes,  
where, &c.  
The like Statute of the fecond year of *Edw.* the 6th:

Statute unduly, to grieve, oppress and weary, and also the said now Queen, and her Regall Crown, and the Cognizance of Pleas to deprive, which to the said Queen, and her Regall Crown, and not to the Court Christian doth belong, to another Tryall in the Christian Court, to bring him the said *W. C.* into the said Court before the Worshipfull, &c. as insuing of, and for the taking away, and non-payment of the Tyth of Hay by the said *W. C.* of, in, and upon the Tenements, with th'appurtenances, in the year of our Lord 1570. from thence comming, had and taken the supposed Tyth of that Hay, to have been thereout comming of the said Clofes called *R.* and *M.* and of divers parcells of Meadow unto the same adjoyning, and unto the Mannor of *P.* belonging and appertaining, within the bounds and Limits of the said Parish Church of *R.* and the tythable places of the same brought into the Plea, and the said *W. S.* him the said *W. C.* in the Court Christian aforesaid, before the said spirituall Judge, by the said occasion to appear, and unto the said *W. S.* of and in the Premisses unjustly inforced to answer; And although the said *W. C.* the said matter in this suggestion contained in the said Court Christian, before the said spirituall Judge in his discharge, in the Premisses had pleaded, and brought inevitable testimony to prove the same, Notwithstanding the said Judge altogether refused to admit the said Plea, and allegation, And the said *W. C.* in the said cause of Substraction of the said Tyth to condemn, and to compell him to pay the said Tyth of Hay, by the definitive sentence of the said Court Christian, and with all his forces indeavoured, and from day to day was devising, to the Contempt of the now said Queen, and the Damage, prejudice, impoverishing, and manifest grievance of him the said *W. C.* and against the force, form, and effect of the said Statute. And this the said *W. C.* is ready to prove; Whereupon the said *W. C.* most humbly imploring the aid and munificence of the Court of the said Queen, unto him desireth Remedy, and a Writ of the said Queen of Prohibition unto the said spirituall Judge, or unto any Competent Judge in this behalf whatsoever to be directed, that neither they, nor any of them, the said Plea touching the premisses in what manner soever, before them, or any of them may any further hold, &c. And it is granted to him, &c.

A Declaration  
on for that the  
Defendant is  
prosecuted in  
the Court  
Christian af-  
ter the Queens  
Prohibition.

**U**. K. Equire, who aswell for the said Queen prosecuteth, as for himself, Complaineth of *W. S.* Farmer, of all and singular the Tythes to the Rectory of the parish Church of *Eadby*, with *Neunham*, in the County of *Northampton* aforesaid, in the Diocese of *Peterborough*, and of the Province of *Canterbury*, in the Custody of the Marshall, &c. of a Plea, wherefore he is prosecuted in



in the Court Christian, against the Queens Prohibition unto him formerly thereof to the contrary directed and delivered, for that, that is to say, that whereas within the said Parish of *B. with N.* in the said County of *N.* there hath been and remained, and from the time of which contrary the Memory of men remaineth not, there had been accounted, and there were aswell a Rector and a Vicar, as a Rectorie and Vicarage of the parish Church of *B. with N.* aforesaid, which said Rectory is, and from time out of the memory of man was a Rectorie appropriate; And whereas *Philip* late Abbot of the late Monastery of the blessed *Mary* of *St. Ogwin* of *Eversham* in the County of *Worcester*, at the time of the dissolution, and suppression of the same late Monastery, and all his Predecessors, Abbots of the same late Monastery for the time being, from the time out of the memory of man, were seized, aswell of the said Rectory with th'appurtenances, as of *D.* acres of Land, 40. acres of Meadow, and 100. acres of Pasture with th'appurtenance in *B. with N.* aforesaid, called the Demesns, together and at once, and all at one time in his Demesn, as of Fee in the right of his said late Monastery, and that by reason thereof, the said late Abbot, and all his Predecessors Abbots of the said late Monastery for the time being, the said Tenements with th'appurtenances, called the Demesns, and every parcell thereof, from time out of mind, untill at the time of the dissolution or suppression of the said late Monastery; And also the said late Abbot at the time of the dissolution or suppression of that Monastery, held and enjoyed, discharged and acquitted, of, and from the payment of the Tythes following, that is to say, of the Tythes of Grain & Hay, of, in, or upon the said Tenements, with th'appurtenances, called the Demesns, yearly in whatsoever manner growing, happening, renewing, or coming, and the Tythes of Lambs and of Wooll shear'd by Sheerers, falling and happening of Sheep, in or upon the said Tenements, with th'appurtenances, depasturing, feeding, and lying, and also of the Tythes of Heifers and of Milk, falling, happening, and milkt of Cowes in and upon the same Tenements with th'appurtenance, depasturing, feeding and lying; and also the Tythes of Herbage, and of whatsoever dry or barren Cattell, in and upon the said Tenements, with th'appurtenance, depasturing, feeding and lying; and also of the Tythes of Pigs falling, and happening of Sows, in and upon the same Tenements, with th'appurtenances, depasturing, feeding, and lying; and also of the Tythes of Wood, and Underwood, growing and happening in and upon the said Tenements, with th'appurtenance. And whereas the said late Abbots, as well of the said Rectory with th'appurtenance, as of the said Tenements with th'appurtenance, called the Demesns, for the payment of the said Tythes for the said occasion afore alleged, is discharged, as before,

Suggestion for Prohibition for that the said Rectory unto an Abbot was appropriate, and held discharged of the payment of any Tithes.

Together, at once, and all at once seized.

it

Statute of  
31. H. 4. for  
holding reli-  
gious Lands  
in such form  
as Abbots, &c.  
and others  
held,

it is said, being seized by a Statute in Parliament of *H. 8.* late King of *England* held at *Westminster* the 23. day of *April*, in the 31. year of his Reign, amongst other things it was ordained, and fully remaineth, that aswell the said late King, his Heirs and Successors, as all and singular such person and persons, their Heirs and Assigns, who then had, or from thence afterwards should have any Monasteries, Abbeyes, Priories, Nunneries, Colleges, Hospitalls, Fryer houses, or other Ecclesiasticall houses or places, Sites, Circuits, and Precincts, of them or any of them, or any Mannors, Messuages, Rectories, appropriate Tythes, Pensions, Portions, or other Hereditaments, whatsoever they should be, which belonged or appertained, or which then, that is to say, at the time of the publishing of that Statute, did belong or appertain unto the said Monasteries, Abbeyes, Priories, Nunneries, Colleges, Hospitalls, Fryers houses, or other Religious and Ecclesiasticall houses or places, or unto any of them, they should have, hold, retain, keep, and enjoy, aswell the said Rectories, appropriate Tythes, Pensions, and Portions, as the said Monasteries, Abbeyes, Priories, Nunneries, Colleges, Hospitalls, Fryer houses, and other Religious and Ecclesiasticall houses and places, Sites, Circuits, Precincts, Mannors, Messuages, Lands, Tenements, and other Hereditaments whatsoever they should be, and every of them, according to their Estates and Titles, discharged, and acquitted from the payment of Tithes, as freely, and in as large and ample manner as the said late Abbots, Priors, Abbesses, Prioreesses, and other Ecclesiasticall Governours and Governesses, or any of them had held, occupied, possessed, used, retained, or enjoyed the same, or any parcell thereof at the dayes of their dissolution, suppression, renouncing, desertion, forfeiture, giving up, or comming to the Highness of the late King, of such Monasteries, Abbeyes, Priories, Nunneries, Hospitalls, Friers houses, or other Religious or Ecclesiasticall houses or places, or at the day of dissolution, suppression, renuntiation, desertion, giving up, or comming to the hands of the said late King, of any of them, by the said Act, or any thing in the same contained to the contrary thereof notwithstanding, as by the said Statute, among other things more fully it doth, and may appear. The foresaid late Abbot, as well of the said Rectory, as of the said Tenements with th'appurtenances, called the *Demefns* from the payment of the said tithes was discharged, as afore is said in form afore said, being seized, the said late Abbot the 28. day of *January*, in the said 31. year of the Reign of the said late King *H. 8.* at *Westminster* afore said, by the assent of the said late Monastery then called together by his certain Writing, then sealed with the Conventuall Seal of the said late Monasterie, and in the Chancery Court, of the said late King at *Westminster* afore said, then held and

Giving up of  
the Abbey  
land, by the  
Abbot unto  
the King.

and being, and in due manner inrolled, of Record, bearing date the same day and year, gave, granted, and gave up unto the said late King *H. 8.* the said late Monastery, and also the said Rectory, and the said Tenements called the Demesns, with th'appurtenances amongst ather things, To have and to hold unto the said late King, his Heirs and Successors, amongst other things for ever, by virtue of which, and by force of the said Statute, the said late King *H. 8.* was of that Mannor, Rectory, and Tenements, with th'appurtenances, amongst other things seized in his Demesn, as of Fee in the right of his Crown of *England*, and so thereof being seized, the said Tenements, with th'appurtenances called the Demesns, and every parcell thereof, held and enjoyed, and ought to hold and enjoy, discharged and acquitted from the payment of any Tithes aforesaid above in this behalf recited, of, in or upon the said Tenements, with th'appurtenances, called the Demesns, and every, or any parcell thereof, yearly, in manner and form aforesaid, above in this behalf alleged, in any manner, growing, happening, sheering, milking, or renewing (by pretence of the said Act) of the rest of the premisses, and the foresaid late King, of the same Tenements with th'appurtenance, called the Demesns, from the payment of the said Tithes, in that manner aforesaid, discharged in form aforesaid, being seized, the said late King, the 20th day of *April*, in the 34th year of his Reign, at *Westminster* aforesaid, by his Letters Patents, sealed with his great Seal of *England*, and in due manner made, and to the Court of the said now Queen here proffered, bearing date the same day and year, gave and granted the said Tenements with th'appurtenances, called the Demesns, unto one *E. R.* Knight, and unto the Lady *V.* then his Wife, To have and to hold to them the said *E.* and *V.* and the Heirs males of the body of him the said *E.* lawfully begotten, and for default of such issue, the Remainder thereof unto one *F. R.* Esquire, brother of the said *E.* and to the Heirs males of the body of him the said *F.* lawfully begotten, and for default of such issue, the Remainder thereof unto the right Heirs of one *R. R.* Knight then deceased, late Father of the said *E.* for ever, To hold of the said late King, his Heirs and Successors in Chief, by the Tenth part of one Knights fee, As by those Letters Patents amongst other things more plainly it doth, and may appear: By pretence of which said Letters Patents, they the said *E.* and *V.* into the same Tenements with th'appurtenances, called the Demesns, entered, and were thereof seized, that is to say, the said *E.* in his Demesn, as of Fee tayl, in form aforesaid, and the said *V.* in her Demesn, as of Free-hold for term of her life, the Remainder thereof, as aforesaid is remaining, and the said *E.* and *V.* of the same Tenements with th'appurtenances, called the Demesns, in that manner

D

afore-

Inrollment  
made by Letters  
Patents  
of the King.

Form of pleading,  
of a  
Deed in the  
tayl.



By right of  
increase.

Note whensoever any doth allege land to be discharged from the paying of Tithes, and the same land was conveyed from the King to divers persons, the Plaintiff in Prohibition ought to allege the same lands to be held and discharged by whatsoever persons using the same lands.

afore-spoken of, being seized, they the said *E.* and *V.* the same Tenements with th'appurtenances likewise held and enjoyed, of, and from the payment of the said Tithes before in this behalf alleged, in whatsoever manner growing, happening, sheering, milking, or renewing, altogether discharged, by pretence of the said Act, and of the rest of the Premises, and so thereof being seized the said *E.* afterwards at *B.* with *N.* afore said, dyed without Issue male of his body lawfully begotten, and the said *V.* him survived, and held her self in, into the said Tenements with th'appurtenances, called the Demesns, and was thereof solely seized in her Demesns, as of Freehold for term of her life, the remainder thereof in form afore said being, And the said *V.* of the same Tenements with th'appurtenances in that manner afore spoken, being seized, She the said *V.* likewise held and enjoyed the said Tenements with th'appurtenances altogether discharged of, and from the payment of any the said Tithes above in this behalf specified, in, or upon the same Tenements with th'appurtenance, called the Demesns, yearly, in manner and form afore said, before in this behalf alleged, in whatsoever manner growing, happening, comming, sheering, milking, or renewing, by pretence of the said Act, and of the rest of the Premises, and so thereof being seized, she the said *V.* afterwards at *B.* with *N.* afore said, dyed, of her said estate thereof seized; after whose death the said *F. R.* in the said Letters Patents named, in the said tenements with th'appurtenances, called the Demesns, entred, and was thereof seized in his Demesns as of Fee-tayl; that is to say, to him and the Heirs males of his body lawfully begotten, according to the form of the said Gift, and so thereof being seized the same Tenements likewise held and enjoyed from the payment of any Tithes afore said, above in this behalf specified, in, or upon the same Tenements with th'appurtenances, called the Demesns, yearly in manner and form afore said, above in this behalf alleged, in whatsoever manner growing, happening, comming, sheering, milking, or renewing, altogether discharged by pretence of the said Act, and of the rest of the Premises, and so thereof being seized, the said *F.* afterwards at *B.* with *N.* dyed, of the said estate thereof seized; after whose death the same Tenements with th'appurtenances, called the Demesns, according to the form of the said Gift, descended unto one *V. R.* Esquire, as Son and Heir male of the said *F. R.* in the Letters Patents, as it is afore spoken mentioned, by virtue of which the said *V. R.* into the said Tenements, with th'appurtenances, entred, and was thereof seized in his Demesns, as of Fee-tayl, according to the form of the said Gift; And so thereof being seized, the same Tenements with th'appurtenances, called the Demesns, likewise held and enjoyed from the payment



ment of any of the said Tithes above specified, in and upon the same Tenements with th'appurtenance, called the Demesns, yearly in manner and form afore said, above in this behalf alleged, in whatsoever manner growing, happening, coming, sheering, milking, or renewing, altogether discharged by pretence of the said Act, and the rest of the Premisses, and so thereof being seized, the said V. R. the first day of May, in the 21. year of the Reign of the said now Queen at B. with N. at B. with N. afore said, demised the said Tenements with th'appurtenances, called the Demesns, unto the said V. R. the now Plaintiff, to have, and occupy to him and his Assigns, from the Feast, &c. then last past, untill the end and term of 21. years from thence next ensuing, and fully to be compleat and ended, by virtue of which said Demise, the said V. R. the now Plaintiff, into the said Tenements with th'appurtenances entred, and was, and as yet is thereof possessed, and so thereof being possessed the same Tenements with th'appurtenances unto him, as afore said, Demised, had, and occupied, and as yet hath and doth occupy, and should, and ought to have and occupy from the payment of any the said Tithes above in this behalf specified, in or upon the said Tenements with th'appurtenances, called the Demesns, yearly in manner and form afore said above in this behalf alleged, in whatsoever manner growing, happening, coming, sheering, milking, or renewing, discharged by pretence of the said Act, and of the rest of the Premisses; And whereas farther by the Statute in Parliament held at Westminster afore said, the fourth day of November, in the second year of the Reign of the Lord Edward the sixth, King of England, among other things it remaineth enacted by Authority of that Parliament, that no person should be sued, or otherwise compelled to render, give or pay any Tithes, for any Mannors, Lands, Tenements, or Hereditaments, which by the Lawes and Statutes of this Kingdom of England, or by any Privilege or Prescription, were not chargeable with the payment of any such Tithes, or which were discharged by any open Composition, as by that Act amongst other things more fully it doth and may appear; And whereas also the said Tenements with th'appurtenances, called the Demesns, and every part and parcell thereof, from the whole time abovesaid, of which the memory, &c. hitherto hath been, and every part and parcell thereof, was by the Lawes and Statutes of this Kingdom of England altogether discharged, and acquitted of, and from the payment of any the said Tithes, above in this behalf recited, of, in, or upon the same Tenements with th'appurtenances, called the Demesns, and of, in, or upon every, or any parcell thereof, in whatsoever manner, by the whole time afore said, in manner and form afore said, before in this behalf alleged, growing,

Lease for  
years.

Statute of  
2. Ed. 6.  
that no per-  
son should sue  
for the pay-  
ment of Tithes  
where, &c.

Cognizance  
of a Plea in  
Prohibition.

Addition of  
the Judge of  
the Arches of  
London.

happening, coming, sheering, milking, or renewing; And whereas also the Cognizance of such like Causes or Busineses, and the Pleas of the same of Tithes against the form of the said Act and Statute desired in such Case, in no manner do pertain to the Ecclesiasticall Court; Notwithstanding which the said Defendant not being ignorant of the premisses, Imagining unjustly to grieve, oppress, and weary the said *V.* the now Plaintiff, against the due form of the Lawes of this Kingdom of *England*, and against the form and effect of the said Acts and Statutes, and also against the said now Queen and her Regall Crown, and it doth not belong to the Court Christian, to another Tryall in the Court Christian, to draw the said *V.* the now late Plaintiff in the Court Christian, before the Worshipfull and learned Master *Bartholmew Clark*, Doctor of Law, lawfull Deputy, Officiall of the Court of *Canterbury*, of the Arches of *London*, of and for the subtraction, and not payment of the Tithes following; That is to say, of the Tithes of Wheat, of Marsklyn of Barley, of Oats, Beans, Tares, of Hay and Wood, in the year of our Lord 1589. now comming, and also four other years the next preceeding of the said years and moneths in the same concurring whatsoever more one than another, of, in or upon the said Tenements with th'appurtenances, called the Demesns, growing, happening, and comming, by the said *V.* the now Plaintiff, in those years of the Lord, had and received; And of and for the Substraction, and not payment of Tithe of Calves, Milk, and Piggs, in those years of the Lord, falling, milked, brought forth, and happening, of Cowes and Sows, of him the said *V.* now the Plaintiff, in and upon the same Tenements with th'appurtenances, called the Demesns, in those years of our Lord, pasturing, feeding, and lying; And of and for the Substraction, and not payment of the Tithe of Wooll in those years of our Lord shorn of the sheep of him the said *V.* the now Plaintiff, in, and upon the Tenements, called the same Demesns, with th'appurtenances, in those years of the Lord, depasturing, feeding, and lying, &c. and so repeat all the Tithes the Defendant sued for in the 8th day of *October*, in the 31. year of the Reign of the said now Queen, at *London*, that is to say, in the Parish of the blessed *Mary* in the Arches, &c. drew into Plea, and the said Defendant, him the said *V.* the now Plaintiff, into the said Court Christian, before the said spirituall Judge, by the said occasion, altogether unjustly inforced to appear, and to answer unto the Defendant, of and in the premisses, And although the said *V.* the now Plaintiff, the said Statute, and the rest of the premisses in discharge of the payment of the said Tithes by the said Defendant in the said Court Christian, as afore it is said, being required often had pleaded and alleged, and had brought to prove

prove that truth, inevitable testimony; Notwithstanding which, the said spirituall Judge altogether refused to admit that Plea and Allegation; And the said Defendant, him the said *V.* the now Plaintiff, in the said Court Christian, in the said Cause of Substraction of the Tithes aforesaid, with all his force indevoured, and from day to day deviled to condemn, and to compell to pay the said Tithes unto him by the definitive Sentence of the said Christian Court. And although the Writ of Prohibition of the said now Queen, unto the said Defendant the third day of *November*, in the 31. year of the Reign of the said now Queen aforesaid, at *London* aforesaid, in the Parish of, &c. in this behalf, in the premisses directed, and was delivered; Notwithstanding the said Defendant, the said Plea after that Prohibition unto him to the Contrary thereof directed & delivered, as afore is said, that is to say, the seventh day of *November*, in the 31. year of the Reign of the said now Queen aforesaid, in the said Court Christian, before the spirituall Judge at *London* aforesaid, in the Parish, &c. was further sued, and in that Plea proceeded, notwithstanding the said Writ of the said Queen of Prohibition unto him in form aforesaid directed and delivered, to the contempt of the said now Queen, and to the manifest damage, prejudice, Impoverishment and grief of him the said *V.* the now Plaintiff, and against the form and effect of the said Acts and Statutes, whereupon the said *V.* the now Plaintiff, who aswell, &c. saith that he is the worse, and hath damage to the value of 25. pounds, And thereupon aswell for the said Queen, as for himself, produceth the Sure, &c. with this, that the said *V.* the now Plaintiff will prove, that the said *V. R.* who demised the said Tenements, with the appurtenances, called the Demesnes, unto the said *V.* the now Plaintiff, in form aforesaid, is yet alive, and in full life, at *B.* with *N.* aforesaid remaineth.

Delivry of  
the Writ of  
Prohibition  
alleged.

And the said Defendant by *Stephen Worley* his Attorney commeth, and defendeth the force and Injury, when, &c. all Contempt, and whatsoever, &c. And saith that he did not sue the said Plea in the Court Christian aforesaid, after the Queens Prohibition unto him to the contrary thereof first directed, and delivered in manner and form as the said Plaintiff above and against him Complaineth. And of this, &c. And the said, &c. But for Consultation of the said now Queen thereupon had, the said Defendant protesting that the said Rectory is not, nor from the time, &c. was a Rectory appropriate, and protesting also, that the said late Abbot of the said late Monastery of the blessed *Mary*, and *St. Egwyn* of *Evesham* aforesaid, at the said time of the dissolution and suppression of the said late Monastery, by all his Predecessors, Abbots of the same late Monastery for the time being, from the time of which to the contrary, &c. were not

Defendant  
saith, that the  
Abbot did not  
hold the Tenements  
discharged from  
the payment  
of Tithes.

Protestation.

Together at  
once, and all  
at once.

seized aswell of the Rectory aforesaid with th'appurtenances, as of the said 500. acres of land, 40. acres of Meadow, and 100. acres of Pasture with th'appurtenances, in B. with N. aforesaid, called the Demesnes, together at once, and all at once in his Demesne, as of Fee in the right of his said late Monastery, And also protesting, that by reason thereof, the said late Abbot, and all his Predecessors Abbots of the said late Monastery, for the time being, did not hold the said Tenements with th'appurtenance, called the Demesnes, and every parcell thereof, from the time of which to the contrary, &c. untill the said time of the dissolution, or suppression of the said late Monastery, in manner and form as the said Plaintiff afore against him complaineth, for Plea the said Defendant saith, that the said late Abbot at the said time of the dissolution or suppression of that Monastery, did not hold and enjoy the said Tenements called the Demesnes, and every parcell thereof, discharged, and acquitted, of, and from the payment of the said Tithes, in manner and form, as the said Plaintiff before against him complaineth. And of this, &c. And the said, &c. therefore, &c.

England ff.  
Mich. 11.  
22. of Eliz.  
Statute of  
13. R. 2.

Suggestion  
for a Prohibition  
to the  
Admiralty for  
that it holdeth  
Plea for  
words.  
Statute of 15.  
year of R. 2.

Cognizance  
of Plea.

**M**emorandum, that such a day in that same Term before the said Queen at *Westminster*, came *Jo. Osborn* in his proper person, and giveth the Court of the said now Queen, here to be understood, that whereas in the Statute in Parliament, of the late Lord *Richard*, late King of *England*, the second after the Conquest, at *Westminster*, in the County of *Middlesex*, in the 13th year of his Reign held, published amongst other things, that the said Admiralls or their Deputies of any business within the Kingdom of *England*, unless onely of a matter upon the Sea done; as in the time of the said now Queen *Elizabeth*, the third year of the Reign of late King of *England*, was duly used, and in no wayes whatsoever they themselves should hinder; And whereas also in the Statute in Parliament of the late King *Richard* the second at *Westminster*, aforesaid, in the 15th year of his Reign held, amongst other things Ordained, and firmly it remaineth, that all manner of Contrasts, Pleas and Plaints, and all other matters arising within the body of the County, aswell by Land as by Water, and also of Wreck of Sea, the Court of Admiralty should in no wayes have the Cognizance, power nor Jurisdiction; And that all such Contrasts, Pleas and Plaints, and all other Emergencies within the body of the County, aswell by Land as by Water, as before is said, and also Wreck of Sea, should be tryed, ended, discussed, and remedied by the Lawes of the Land, and not before the Admirall, nor by the Admirall, nor by his Deputy in any manner whatsoever; And whereas also all and singular Pleas, of



of whatsoever trespasses, speeches, and publishing of scandalous English words whatsoever, touching and concerning the Bankruptcy or insufficiency, or poverty of any person being a Merchant at the time of the speaking or publishing of the same scandalous English words, and all other such Pleas and matters onely, are not of the Test or Jurisdiction, but doe specially appertain and belong to their now Queen, and her Regall Crown, and by the Lawes of the Land of this Kingdome of the said Queen of England, they ought not in any manner whatsoever, to be tryed, ended, and discusied before the Admirall, or by the Admirall, or by his Deputy, and from the time of mans memory they ought, and were accustomed to be tryed, &c. by the Lawes of the Land : Notwithstanding which, one *John Raynes* Merchant of the City of *London*, not being ignorant of the Premisses, cunningly devising, and intending the same *J. Osborn* against the due form of the Law of this Kingdom of *England*, unduly to grieve, oppress, and weary out, and the said now Queen and her Regall Crown to dis-inherit, and also the Cognizance of a Plea, which to the same Queen, and her Regall Crown in this behalf, and not to the Court of Admiralty doth belong, to another Tryall in the Court of Admiralty, to draw him the said *J. O.* in the Court of Admiralty, before the Worshipfull and excellent man, *Mr. David Lewis* Doctor of Lawes, chief President of the Court of Admiralty, or his lawfull Deputy, or other competent Judge in this behalf whatsoever, of, and for the protestation of the insufficiencie, and disabling of the said *John Raynes* Merchant, being as before is spoken of, and of, and for the speaking, publishing and affirming of the English words following, that is to say, &c. as by the Libell of him the said *J. R.* against him the said *Jo. Osborn*, exhibited, and here profered to the Court, more plainly it may and doth appear, where in truth the speaking, publishing, and affirming of the said scandalous words, and the aforesaid protestation by the said *J. O.* before supposed to be done in the said Libell specified, if any, or which like speech divulging, affirming, or Protestation, were had and done at *Guilford*, in the County of *Surrey*, and not upon the main Sea, nor within the Maritime Jurisdiction, And the said *J. R.* the same *J. O.* in the said Court of the said Admiralty to condemn, and the said *J. R.* of, and in the Premisses, to answer, with all his Forces, as yet endeavoureth, and from day today cunningly deviseth. And although the said *John Osborn*, all and singular the Premisses in the Court of the said Admiralty, before the aforesaid Judge of the Court of that Admiralty for his discharge in the Premisses, had often pleaded, alleged, and brought inevitable testimony to prove ; Notwithstanding which, the Judge of the Court of that Admiralty altogether refused to admit that

The stile of  
the Judge in  
the Court Ad-  
mirall.

that Plea and allegation, in contempt of the said now Queen, and to the manifest damage, prejudice, impoverishment, and grief of him the said John O. And this the said J. O. is ready to prove; whereupon the said John here most humbly imploring the gracious Ayd of the Court of the said Queen, prayeth remedy, and the Writ of Prohibition of the said Queen, to be directed to the Judge of the Court of that Admiralty, to prohibit him, that he in no wise should any further hold the aforesaid Plea of the Premisses in any manner whatsoever depending before him, &c. And it is granted unto him, &c.

## ACTIONS



# ACTIONS OF REPLEVIN.

## REPLEVIN.



ND the said *R. R.* by *T. S.* his Attorney cometh and defendeth the force and Injury when, &c. And doth well avouch the taking of the said Cattell in the said place, in which, &c. And justly, &c. because he saith that the said place in which, &c. is, and from the time of the said taking, and before, was one acre of Land in *R.* aforesaid, and saith that long before the time of the said taking, before supposed to be done, and at the same time the said *R.* was seized in his Demesne, as of Fee, of one Messuage, one Garden, ten acres, and half an acre of land, and two acres of Wood, with th'appurtenances, in *R.* aforesaid, whereof the said place in which, &c. is, And at the said time in which, &c. was parcell, And so being thereof seized, that same Messuage, Garden land, and Wood, with th'appurtenances, long before the time of the taking aforesaid, that is to say, at the Feast of *St. Andrew* the Apostle, in the year of the Reign of the Lord *Edward*, late King of *England*, the fourth after the Conquest, brother of the Lord, the now King, 22, at *R.* aforesaid, Demised unto the foresaid *I. A.* To have to him from the same Feast, as long as it should please him the said *R.* yielding therefore yearly unto the said *R.* as long as the said *J.* should have and occupy the said Messuage, Garden Land, and Wood, 21. shillings at the Feast of Pentecost, and *Andrew* the Apostle, by equall portions yearly to be paid, by virtue of which Demise, the said *I. A.* the said Messuage, Garden land, and wood, with th'appurtenances, from the said Feast of *St. Andrew* the Apostle untill the Feast of *Saint Andrew* the Apostle next before the time of the taking aforesaid, had, and occupied, And for that, that 21. shillings of the said Lease, by the said time unto him the said *R.* at the time of the said computation, remained in arrear, and as yet remaineth unpaid, doth well avouch the taking of the said

Defendant  
justifies the  
taking of the  
Cattell for  
Rent behind

E

Cattell

Cattell in the said place, in which, &c. and justly, &c. And this he is ready to prove, whereupon he prayeth Judgement, and the return of the said Cattell to be adjudged unto him, &c.

Plaintiff saith, that before the Defendant had any thing, one *N.* was seized of the Premises, and afterward the said Land descended to the Wife of the Plaintiff, as Heir of *N.* by which the Plaintiff claimed the Tenements in hereditary right, and that the Defendant had nothing in the Tenements unless by Intrusion. Claim.

¶ **A**ND the said *J. A.* saith, that the said *R.* the taking of the said Cattell, in the foresaid place, in which, &c. by any matter before alleged, that he ought not to avouch the same to be just, because he saith, that long before the time of the said Caption, and long before the said *R.* had any thing in the said Messuage, Garden land, and Wood, with th'appurtenances, one *N. A.* was thereof seized in his Demesne, as of Fee, and dyed of such his estate thereof seized, after whose death, the right of the aforesaid Tenements, with th'appurtenances, descended unto one *T. A.* his Son and Heir of him the said *N.* and the said *R.* after the death of the said *N.* into the said Tenements, with th'appurtenances, intruded himself, and by that intrusion was thereof seized in his Demesne, as of Fee, and so thereof being seized, made the foresaid Demise unto the said *J. A.* in form aforesaid, And the said *T. A.* afterwards dyed without Heir of his body begotten, after whose death, the right of the said Tenements, with th'appurtenances, descended unto one *E.* then the Wife of him the said *I. A.* as Sister and Heir of him the said *T.* him the said *I. A.* being then possessed of the said Tenements, with th'appurtenances, by vertue of the said Demise, And the said *I.* and *E.* immediately after the death of the said *T.* claimed the said Tenements, with th'appurtenances, in the right of her the said *E.* And the said *I. A.* further saith, that at the said time, the said *T.* was nothing in arrear of the said Lease, unto the said *R.* And this he is ready to prove, whereof, from which the said *R.* before acknowledging the taking of the said Cattell, prayeth Judgement, and his Damages by that occasion to be adjudged unto him, &c.

Defendant saith, that true it is that *N.* was seized, &c. and thereof infeofed him the Defendant, and one *R. C.* who afterwards dyed, by presence of which the Defendant was alone seized by right of Infeoffment, and after that made

¶ **A**ND the said *R. R.* saith, that well and true it is, that the said *N.* was seized of the said Tenements, with th'appurtenances in his Demesne, as of Fee, and so thereof seized, thereof infeofed him the said *R.* and one *R. C.* to have to them and their Heirs for ever, by vertue of which said Feoffment, they the said *R.* and *R.* were thereof seized in their Demesne, as of Fee, and the said *R. C.* afterward dyed of such estate thereof seized, And the said *R.* above joynd himself, and of the said Tenements, with th'appurtenances, was alone seized in his Demesne as of Fee, by right of Infeoffment, and so thereof seized the said Demise unto the foresaid *I. A.* in form aforesaid made, in which form the said *R.* the said *R.* by his said Avouchment before supposeth, without this, that the said *R.* into the said Tenements, with th'appurtenances, after the death of the said *N.* intruded himself, in which form the said *A.* before in pleading,



pleading, hath alleged; And this he is ready to prove, whereupon, as formerly, he prayeth Judgement, and the return of the said Cattell, to be adjudged unto him, &c.

a Demise, &c.  
Right of En-  
croachment  
without this.

¶ **A**ND the said *I. A.* saith, that the said *R.* into the said Tenements with th'appurtenances, after the death of the said *N.* intruded himself, in what form the said above in pleading hath alleged, And this he prayeth may be inquired of, &c.

¶ **A**ND the said *R. R.* and *T. G.* by *W. H.* their Attorney cometh and defendeth the force and injury, when, &c. all Caption, and whatsoever, And saith that the said *A. T.* his said Action against them ought not to maintain, because he saith, that one *G. B.* long before the said time, in which, &c. was seized of a certain Tenement, with th'appurtenances, heretofore of *I. H.* in the said Parish, whereof the said place, in which, &c. is, and at the said time, in which, &c. was parcell in his Demesne, as of Fee, And saith that one *E.* Prior of the Church of *St. George of Cambridge*, and all his Predecessors, Priors of that Monastery, from time out of mind, were seized of a certain annuall Rent, of two shillings four pence, issuing out of the said Tenements, with th'appurtenances, whereof the said place, in which, &c. is, and then was parcell in his Demesne, as of Fee, as in right of that Monastery, at the Feasts of *St. Michael* the Arch-Angel, and of the Annuntiation of the blessed Virgini *Mary*, to be paid by equall portions, and that the said Prior, and all his Successors, from the said time out of mind, used to distrein for the said Rent of 2. shillings four pence, as often, as at any Feast of the said Feasts, it was in arrear in part, or in the whole, not paid upon the said Tenements, with th'appurtenances, whereof the said place in which, &c. is, and then was parcell, and the Distresses so there taken, to lead, drive, and in possession to keep them untill full satisfaction should be unto him of the said annuall Rent, and the Arreages of the same, if any were. And further, that they the said *R.* and *T.* say, that for 23. shillings 4. pence being behind for ten years parcell of 6. pounds, 6. shillings 8. pence being behind, at the Feast of *St. Michael* in the 18th year of the Reign of the now King for 40. years next before the said Feast, the said *R.* and *T.* as Servants of him the said now Prior, and by his Command at the said time, in which, &c. doth well acknowledge the taking of the said Cattell in the said place, in which, &c. by the name of Distresse, and the said 23. shillings 4. pence so being behind, as it was lawfull for them. And this he is ready to prove, as, &c. whereupon he prayeth Judgement, if the said *Agnes* her foresaid action thereupon against him ought to have or maintain, &c.

Defendant as  
Servant ac-  
knowledgeth  
the taking of  
the Cattell,  
and parcell of  
the Rent so in  
arrear, by the  
name of Dis-  
tresse.  
Par. 18. H. 7.  
ro. lxxv.

Prescription  
pleaded to dis-  
trein for  
Rent.

Inquire if it  
should not be,  
whereupon he  
prayeth Judg-  
ment, and the  
return of the  
said Cattell,

Plaintiff al-  
legeth a de-  
mise made to  
him by one S.  
and prayeth  
Aid of the  
said S.

Prayer of Aid.  
Note that in  
the Voucher  
the defendant  
may pray Aid  
before Issue  
joyned, but in  
other action  
doth not pray  
Aid unless  
after Issue  
joyned.

Cornub.  
Declaration  
in a writ of  
recaption of  
Cattle and  
that they were  
taken hang-  
ing another  
Plea for the  
same Cattle  
undetermined  
and for which  
Cause they  
were before  
taken.  
M. 20. h. 7.  
10. 75.

**¶** AND the aforesaid *A. T.* saith, that she, by any matter be-  
fore alleged from her said action had, ought not to be  
precluded, because she saith that one *S. W.* before the said time in  
which, &c. was seised of the said tenements, with th'appurtenances;  
whereof the said place in which, &c. is, and at the said time in  
which, &c. was parcell, in his demesn as of fee, and he so there-  
of seised long before the said time, that is to say in the feast of *St.*  
*Michael* the Archangell in the 12 year of the reign of the said Lord  
the now King, at *W.* in the said County, demised the said tenements,  
with th'appurtenances, whereof the said place in which, &c. is, and  
at the said time in which, &c. was parcell, unto the foresaid *A.* to have  
and occupy to him and his Assignes from the said feast of *St. Michael*  
untill the end of the Term of five years, from thence next  
following fully to be compleat, by vertue of which said demise she  
the said *A.* long before the said time, in which, &c. was thereof  
possessed, which said Term doth as yet indure, And so the said *A.*  
saith that she hath nothing in the said tenements, with th'appur-  
tenances, unles to the end of five years in form aforesaid the rever-  
sion, whereupon being expectant after that term unto the afore-  
said *S. W.* and his heires, without which said *S.* she the said *A.*  
saith, that she to the knowledge of the said *R.* and *T.* cannot an-  
swer, and prayeth Ayd of him the said *S.* and hath, &c. There-  
fore the Sheriff is commanded that he summon by good summons  
the said *S.* that he be before the said King, in Eight dayes of the  
Holy Trinity, wheresoever, &c. to answer to the said knowledge  
of the said *R.* and *T.* together with the said *A.* if, &c. The same  
day is given to the said parties, &c.

**¶** *J. C. Esquire, T. G. J. H. J. D. J. W.* and *W. A.* were attached to answer  
aswel unto the Lord the King, as unto *J. G.* Esquire, of a Plea,  
wherefore whereas the said, *J. C.* and the others were formerly sum-  
moned to be in the Court of the said King, before him the said Lord  
the King, on the Morrow of all Souls last past, wheresoever, &c. to  
answer unto the aforesaid *J. G.* of a Plea, wherefore they took the  
Cattle of him the said *J. G.* and them unjustly detained, against the  
Sureties and pledges, which the Sheriff of the said Lord the King,  
of the said County, had made to replevy to him the said *J. G.* as the  
King had accepted, which said Plea between him the said *J. G.* and  
*J. C.* in the Court of the Lord the King here as yet doth hang un-  
determined; Notwithstanding the said *J. C.* and others, hanging the  
said Plea, the Cattle of him the said *J. G.* again took for the same oc-  
casion which before they had taken the same, &c. Which thing is  
manifest against the Law, and Custome of the Kingdom of the Lord  
the King of England; And whereupon the said *J. G.* who aswell for the

Lord the King, as for himself prosecuted by *J. H.* his Attorney Plaintiff, that whereas the said *J. C.* and the others, formerly, that is to say in the Term of *St. Hillary* in the year of the reign of the now King, nineteenth, were summoned to be in the Court of the Lord, the King, here before his Justices assigned, to hold Pleas before him the Lord the King, to answer unto the said *J. G.* and them unjustly detained against the sureties and pledges, which the Shreif of the said Lord the King, of the said County, had made unto the said *J. G.* to replevy, and the King had accepted, which said Plea between him the said *J. G.* and the said *J. C.* and the others, in the Court of the said King, here as yet doth hang undetermined; Notwithstanding they the said *J. C.* and the others, hanging the said Plea, the Cattle of him the said *J. G.* that is to say, ten Oxen, Eight heifers, two horses, and a hundred sheep, again that is to say the twentieth day of *May*, in the nineteenth year of the Reign of the Lord the now King, at *E. neer Moreball*, in which the Cattle in a place called *the Wild-Park*, they took for the same occasion, which before they had taken them, &c. Which is manifestly in Contempt of the said King, and against the Law and Custome of the Kingdom of him the said King of England, whereupon he saith, he is the worse, and hath damage to the value of forty pounds, And thereupon he bringeth his sure, &c.

**A**ND the said *I. Copleston, T. Colpeston I. Horn, I. Davy, I. Welch*, and *W. Atwood*, by *W. Fisher* his Attorney, cometh and defendeth the force and injury, when, &c. And the said *I. Davy, I. W.* and *W. A.* say that they did not take the said Cattle as the said *I. G.* before against them Complaineth, And of this they put themselves upon the Countrey. And the said *I. G.* likewise, &c. And they the said *I. C. T. C.* and *I. H.* as to the taking and detention of the said Cattle supposed to be done, they say that the said *I. G.* ought not to maintain his action, because they say that the place in which, that trespass is supposed to be done, is, and at the said time in which, &c. was one messuage, a hundred acres of land six acres of meadow, six acres of wood, and twenty acres of Heath and furzes, with th'appurtenances, in *G. aforesaid* called *Wilpark*, of which said messuage, land, and tenements, the said *J. E.* is, and at the said time in which, &c. was seised in his demesne as of fee, And that the said *I. Colshill* and all his Predecessours, whose heir he is, long before the said time in which, &c. were seised in their demesne as of fee of a certain Annuell rent of forty shillings coming forth of the said tenements to be perceived yearly to him and his heirs at the feasts of the Nativity of *St. Iohn the Baptist*, of *St. Michael Arch-angell*, the Nativity of our Lord, and of Easter, with equall

Some of the defendants plead that they did not take the Cattle, As, &c.

The rest of the defendants plead that they took the Cattle in the name of a distress for dry Rent in arrears, as servants of the other, and justice per-  
serdition.

Descent.

portions to be paid, from the time of which the memory of man is not extant. And the said *I. C.* and all his Predecessors whose heir he is, from all the said time of which the Memory of man is not extant, used to distress in the said tenements with th'appurtenances for the said Rent, as often as that Rent at any fealt of the said Feasts should be in arrear, and the Distresses thereupon to take, lead, drive away, and wholly to themselves to retain, untill the said yearly Rent, and the Arrearages thereof, if any there were, should be satisfied; And the said *I. C.* so thereof seized, dyed of such estate thereof seized, after whose death the said Annuall Rent long before the said Return, in which, &c. descended unto one *Agnes*, Wife of the said *I. Broker*, Esquire, as Cousin and Heir of the *I. Colshill*, that is to say, Daughter of *Ranfrid*, son of *Iohane*, sister of *I. Colshill*, by which the said *I. Broker*, and *Agnes* long before the said time, in which, &c. were of the said Annuall Rent of 40. shillings seized in their Demeln, as of Fee, in Right of the said *Agnes*. And because 30. shillings of that Rent, after the death of the said *I. Colshill*, at the Feast of the Nativity of *St. Iohn* the Baptist, of *St. Michael* the Arch-Angell, and the Nativity of our Lord, next before the said taking, supposed to be done, that is to say, next before the 20. day of *May*, in the 30. year of the Reign of the said now King, were in arrear unto the said *I. Broker*, and *Agnes*, not paid, they the said *J. Cop. T. Cop.* and *J. Horn*, as servants of them the said *J. Broker*, and *Agnes*, and by their Command at the said time, in which, &c. the aforesaid Cattell, in the said place called *Wilpark*, by the name of Distresse, for the said 30. shillings, to as it is aforesaid of the said annuall Rent remaining behind, they took and deteined, as it was lawfull for them to do, without this, that the said *J. Cop. T. Cop.* and *J. H.* at the said time, in which, &c. they took the said Cattell for the same occasion which before they had taken them, as the said *J. G.* before against them Complaineth, And this, &c. Whereupon he prayeth Judgement, if an Action, &c. he ought to maintain, &c.

Without this that they took the Cattell again, for which cause they formerly had taken them.

Plaintiff saith, that the said Rent was not behind, but that the said Cattell were taken for the cause before. Venit' f' c' a-wards upon 2. Issues.

And the said *I. G.* saith, that he by any matter before alleged, from his said Action sued, had of the taking, and deteyning of the said Cattell, against the foresaid *I. Cop. T. Cop.* and *I. Horn* ought not to be precluded, because he saith, that the said Rent was not in arrear unto them the said *I. Broker*, and *Agnes*, at the said Feasts, as, &c. and so as before, saith that the said *I. Cop. T. Cop.* and *I. H.* took the said Cattell for the same occasion which they formerly took them, as the said *I. G.* before against them complaineth, And this he prayeth, that it may be inquired of the Country, &c. And the said *I. Cop. T. C.* and *I. H.* likewise, &c. therefore, as to the trying of that



that issue, as the other issue between the said parties before likewise joyned, thereupon commeth the Jury before the said King, from the day of *S. Hillary* in fifteen dayes, whersoever, &c.

¶ **A**ND the said *I. B.* by *T. A.* his Attorney commeth, and defendeth the force and Injury, when, &c. and doth well avow the taking of the said Cattell in the said place, in which, &c. and justly, &c. Because he saith, that the said *I. G.* doth hold of him the said *I. B.* as of his Mannor of *S.* in the same County one Messuage, and two acres of Land, with th'appurtenances, in the said Town of *S.* where of the said place, in which, &c. is parcell by Homage, and at Eicuage, of the Lord the King 40. shillings, when it should happen 40. d. and at more, more, and at lesse, lesse; And by service to do Sute to the Court of him the said *I. B.* of his Maannor of *S.* aforesaid, at *G.* from three weeks to three weeks, and by the Rent of ten pence, unto him the said *I. B.* and his Heirs, at the Feast of Easter, and *St. Michael* the Arch-Angel, by equall portions yearly to be paid, of which said Services one *T. P.* grand-father of him the said *I. B.* whose Heir he is, was seized by the hand of one *R. F.* then Tenant of the said Messuage, and Land, with th'appurtenances, As by the hand of his true Tenant, of which said *R. F.* the Estate of the said *I. G.* now hath in the same Messuage and Lands, with th'appurtenances, and from the said *T. P.* Grandfather, &c. descended the said Mannor, and Services, with th'appurtenances, unto one *Iohane P.* as his Daughter and Heir of the said *T. P.*, &c. And from her the said *Iohane* descended the same, and Services, with th'appurtenances, unto the foresaid *I. B.* who now avoweth as Son and Heir of the said *Iohane*, And because the homage of the said *I. E.* and also sute at the said Court of him the said *I. B.* holden at *G.* aforesaid sixth day of *October*, next before the day of the said taking, they justly belonged unto the said *I. B.* the said *I. B.* avoweth the taking of the said Cattell in the said place, in which, &c. as in parcell of the said Tenements of him the said *I. B.* in form aforesaid, holden above the said *I. G.* and above his true Tenant, and within his Fee, &c.

Defendant avoweth the taking of the Cattell, for that the Plaintiff being his Tenant by homage Fealty and Eicuage, and sute of Court, and because he did not Homage and Sute of Court, at the said Court of him the Defendant he avows, &c.

¶ **A**ND the said *I. G.* saith that the said *I. B.* the taking of the said Cattell, in the foresaid place, in which, &c. ought not to avow just, because he saith, that that place is, and at the time of the said taking was without the Fee and Lordship of him the said *I. B.* And this he is ready to prove; whereupon from that the said *B.* before hath acknowledged the taking and detension of the said Cattell, he prayeth Judgement, and his Damages by that occasion to be adjudged unto him, &c.

Plaintiff saith, that the place in which, &c. is without his Fee.

AND

§. **AND** the said *I. B.* saith, that the said place in which, &c. is, and at the time of the said taking, was within the Fee and Lordship of him the said *I. B.* in the form which the said *I. B.* by his Avowment aforesaid, hath supposed, and not without his Fee, and Lordship, And of this he putteth himself upon the Countrey, &c.

Defendant avoweth the taking of the Cattell for that one *N. L.* held the other parcel of land, whereof the place in which &c. is parcel, of one *R. B.* whose Heir the Defendant is by Homage, Fealty, and Escuage, and Rent of 20.s. by the year, & one *I. L.* had the estate of the said *N. L.* suffered the Homage to be unperformed, and the Rent unpaid. Discent.

§. **AND** the said *I. T.* by *W. B.* his Attorney, commeth and Defendeth the force and injury, when, &c. and doth well avow the taking of the said Cattell in the said place, in which, &c. And justly, &c. because he saith, that one *N. L.* was lately seized of six Messuages with th'appurtenances, in little *L.* aforesaid, in his Demesne, as of Fee, whereof the place in which, &c. is parcell, and the said Messuage with th'appurtenances held of *R. B.* by Homage, Fealty and Escuage of the Lord the King 40.shillings, when it should happen 10.shillings, and at more, more, &c. and at lesse, lesse, &c. and by the Rent of 20.shillings unto the said *R.* and his Heirs, at the Feasts of Easter and St. Michael th'Arch-Angell, by equall portious yearly to be paid, of which Services, the said *R.* was seized by the hand of the said *N.* as by the hand of his true Tenant of the said Fealty, as of Fee and right, and of the said Rent in his Demesne, as of Fee, And that the said *R.* afterward dyed, after whose death the said Services descended unto the said *I. T.* as Cozen, and Heir of him the said *R.* that is to say, Son of the fifth son of *M.* the Daughter of *G.* Son of the said *R.* of whom the said *N.* the Estate in the said Tenements, with th'appurtenances, one *I. L.* now hath; And because aswell the Homage of him the said *I. L.* unto the said *I. T.* after the death of the said *R.* remained due, and as yet remaineth; as the said Rent by 6.years next before the day of the said taking, unto the said *I. T.* was behind, and as yet being unpaid, the said *I. T.* well avoweth the taking of the said Cattell in the said place, in which, &c. as parcell of the said Tenement of him the said *I. T.* in form aforesaid held, and above the said *I. L.* as above his true Tenant, and within his Fee, &c. And this he is ready to prove, Whereupon he prayeth, &c. and the return of the said Cattell to be adjudged unto him, &c.

Plaintiff saith, that he hath nothing in the Tenements, unless a certain Demise by one *I. L.* made at the

§. **AND** the said *T. Wilde* not acknowledging any matter in the Avowment of the said *I. T.* before alleged to be true, saith, that the said *I. L.* before the day of the said taking was seized in his Demesne, as of Fee, of the said Messuage, with th'appurtenances, whereof the said place, in which, &c. is, and at the said time, in which, &c. was parcell, and the said *I. L.* so thereof seized long before the said time, that is to say, in the Feast of St. Michael the Arch-

Arch-Angel, in the nineteenth year of the Reign of the now King, at *W.* in the said County, Demised unto the aforesaid *T. W.* the said Messuage, with th'appurtenances, To have to him and his Assignes from the said Feast of *St. Michael*, untill the end and Term of three years from thence next following, and fully to be Compleat, by virtue of which, the said *T.* long before the said time, in which, &c. was thereof possessed; Which said Term as yet indureth, And so the said *T.* saith, that he hath nothing in the said Messuage, with th'appurtenances, unless at the Term of three years in form aforesaid, the Reversion thereof after that Term ended being expectant to the foresaid *I. L.* and his Heirs, Without which said *I. L.* the said *T.* saith, that he cannot answer unto the said Avowment of the said *J. T.* and prayeth Ayd of him the said *I. L.* and hath, &c. Therefore the Sheriff is commanded, that he \* Summon, by good Summons, the aforesaid *I. L.* that so before the said King, from Easter day in three weeks wheresoever, &c. to answer to the said Avowment of the said *I. T.* together with the said *T. W.* if, &c. the same is given unto the said parties, &c. At which day before the said King at *Westminster*, came as well the said *T. W.* as the said *I. T.* by their said Attorney, And the said *I. L.* being summoned, &c. by *T. H.* his Attorney likewise commeth, and joyneth himself with the aforesaid *T.* to answer unto the said *I. T.* together with the said *T. W.* to the said Avowment, &c. \* And aswell as the said *T. W.* the said *J. L.* who joyneth himself, &c. saith that the said *J. T.* the taking of the said Cattell, in the said place, in which, &c. for the reason before alleged, ought not to avow just, because \* protesting that the said *N.* did not hold the said Tenements, with th'appurtenances, of the said *R.* by the said Services in the said Avowment specified; Neither that the said *R.* ever was seized of the said Services, or of any parcell thereof, besides Fealty, and the Rent of ten shillings of the said 20. shillings by the hands of the said *N.* or of any other Tenant of that Tenement for Plea saith, that the said *N. L.* held the said Tenements, with th'appurtenances, of the said *R. B.* by Fealty, and the Rent of 10. shillings of the said 20. shillings unto the said *R.* and his Heirs, at the said Feasts of Easter, and *St. Michael* the Arch-Angel, by equall Portions yearly to be paid, of which Services the said *R.* was seized by the hands of the said *N.* as by the hands of his true Tenant, that is to say, of the said Fealty, as of Fee and right, and of that Rent in his Demesne, as of Fee; And the said *T. W.* and *L.* saith, that the said Rent of ten shillings, or any parcell thereof, was not behind unto the said *J. T.* at the time of the said taking unpaid; And they the said *T. W.* and *J. L.* say, that the said *R.* or any of his Predecessors never was seized of the said ten shillings residue of the said 20. shillings, nor any parcell thereof, by the hands of the said

term of three years the Reversion thereof unto the said *I. L.* and his Heirs expectant, and therefore prayeth aid of the said *I. L.* which said *I. L.* after sumons thereupon made unto him likewise commeth and joyneth himself with the Plaintiff, and saith that the said *R.* never was seized unless of the service of Fealty onely, and the Rent of 10. shillings; Without this, that the said *R.* was seized of homage, Fealty & Escuage, and the rent of twenty shillings in manner and form, &c. by the hand of *N. L.* &c.

\* Summons in Ayd, prayer of ayd.

\* Joyn in aid, and traverse the tenure.

\* Protestation.

Without this.

*N.* nor of any other Tenant of the said tenements, with th'appurtenances, after the Limitation of Assize of new disseisin, that is to say, after the first of the Lord King *H.* son of King *John*, in *Vaston*, without this that the said *N.* held the said tenements, with th'appurtenances, of the said *R.* by homage, fealty, and at the Escuage of the Lord the King, and by the rent of twenty shillings by the year, as by the said Avowment is supposed, and this he is ready to prove, whereupon from which the said *I. T.* the taking of the said Cattel before acknowledging, prayeth judgement, and his dammages by that occasion to be adjudged unto him, &c.

Issue in prayer of Aid.

¶ **A**ND the said *I. T.* saith, that the said *N.* tenant of the said tenements, with th'appurtenances, of the said *R.* by homage, fealty, and Escuage, of the said Lord the King, and the said rent of twenty shillings by the year, in the form which the said *I. T.* before hath alleged. And of this putteth himself upon the Country, and they the said *T. W.* and *I. L.* who joyned themselves, &c. likewise, &c. therefore, &c.

Declaration in replevin parcell in the detainit and parcell in the detinet, and the plantif prayeth that the defend-ant may be bound to deliver.

¶ **W**: *Burton* of *L.* Chaplain, and *B. W.* were summoned to answer unto *I. I.* of a Plea wherefore they took the Cattel of him the said *I. I.* and them unjustly detained against the sureties and pledges, &c. And whereupon the said *I. I.* by *I. C.* his Attorney complaineth that the said *W.* and *B.* the day, &c. in the year, &c. In the Town of *H.* in a certain place called — they took four score sheep of him the said *John*, and seaventy sheep thereof they unjustly detained untill, &c. And ten sheep residue thereof of the price of twenty shilling as yet unjustly detain against the sureties and pledges, &c. Whereupon he saith that he is the worse, And hath damage to the Value of twenty pound. And thereupon he bringeth his Sute, &c. And prayeth that the said *W.* and *B.* may secure the delivery of the said Ten sheep unto him, &c.

Defendant acknowledg-eth the taking of the sheep as bailiffes of the Dean and Chapter, &c. of *Lincoln* with which the Dean and Chapter, &c. one annuall Rent of the barthen of a

¶ **A**ND they the said *W. B.* and *B. W.* by *T. S.* his Attorney cometh and defendeth the force and injury, when, &c. And as Bayliffes of *I. M.* Dean &c. Doth well acknowledg the taking of the said sheep in the said place, in which, &c. And justly, &c. Because he saith that one *R. S.* knight, son and heir of the Lord *R.* of *S.* in the County of *L.* was lately seised of the Mannors of *H.* and *B.* with th'appurtenances, whereof the said place in which, &c. is parcell in his demesne as office, and so thereof seized by his certain writing indented, whose other part is signed with the Seal of him the said *R.* they the said *W.* and *B.* profer here in Court, the date of which is at *L.* the second day of *June* in the fourth year of the reign



reign of the Lord the now King, gave and granted, and by his said Writing indented, confirmed unto J. S. then Dean of the Church, &c. By the names of Dean and Chapter of the Cathedrall Church of the blessed *Mary of Lincoln* and his Successors forever to the use and augmentation of the Support of five Chaplains of one Church, and six singing boyes, for the \* Souls of the most illustrious Prince Lord *Edward* the third, late King of *England*, deceased, and *B.* and the Souis of his Predecessors, and of all the faithfull in the Chapell of *St. Katherine* founded in the Church aforesaid, and also to the Aid of Sustentation of one Chaplain, divine services for the said Souls, and for the Soul of *B.* is to be celebrated by them the said five Chaplains and their Successors of a new Maintenance by Licence of the said Lord King *Richard*, late had and obtained by the Charter of him the said king, dated at *Westminster* the 23. day of *February* in the aforesaid twentieth year of his Reign one yearly perpetuall Rent of twenty marks to be perceived yearly of all and singular his Mannors, or Cattel, Lands and tenements, with th'appurtenances, in *H.* to be paid unto them the said late Dean, and Chapter, and their Successors, every year forever, at two terms of the year, that is to say at the feasts of *Easter* and *St Michael* th'arch-Angell by equall portions in the Court Chamber of the said Cathedrall Church. At which said payment of the said perpetuall Rent of twenty mark, unto the said late Dean and Chapter, and at the said feasts faithfully as it was preadviced to be done, obliged all and singular the said Mannors, by the name of all and singular the said Mannors or Lordships, lands and tenements of *H.* and *B.* with th'appurtenances, in whosoever hands they should be or come from thenceforth to come that if the said perpetuall annuall Rent of twenty marks, should be behind in part or in all, after any Term before assigned for the payment whereof, then it should be lawfull for the said late Dean and Chapter, and their Successors, in all and singular the Mannors, Lordships, lands and tenements of him the said *R.* aforesaid, with th'appurtenances, in whatsoever hands they should come from thence in future, for the said yearly Rent and the Arrearages thereof if any should be, and the distresses taken, to drive, or carry, lead away, impound and retain, aswell within the County as without, wheresoever it should please the said Dean and Chapter, and their Successors, untill themselves of the said perpetuall yearly Rent, together with all and singular the Arrearages of the same, and the dammages which they should sustain and expend, which they should lay out, by reason of the not payment of the said continuall annuall Rent at the said Terms, should be fully satisfied, By vertue of which gift and Grant, of the said *J. S.* late Dean of the said Cathedrall Church,

certain Man-  
nor whereof  
the place is  
parcell there-  
out going was  
granted, and  
liberty for not  
payment  
thereof to di-  
strain, &c.  
And as to the  
rest of the  
sheep, &c. the  
defendant  
saith that the  
Plaintif had  
deliverance  
there upon in  
the Countrey.  
\* Justification  
for the bur-  
then of Rent.

Claim of di-  
stress for the  
Rent Charge.

Command to the Sheriff to deliver the Cattel, whereupon the Plaintiff desired Security, and the Defendant saith, that he hath the deliverance in the Country.

A special Writ shall issue unto the Sheriff to deliver

them, &c.

Plaintiff saith, that he hath nothing in the Tenements

unless a certain Demise unto him by one W. J.

made, and the Freehold, and Fee thereof in the person of the said W. J.

being, and prayeth of the same W. aid, and hath, &c.

Prayer of Aid.

Summons in Aid.

Essoyn of a bad return.

chief of the same were late seized of the said Rent of twenty marks by the hands of the said R. S. then tenant of the said Mannor and tenements, and because the said Rent, unto them the said Dean and Chapter of the said Church, by one year next before the day of the said taking was in arrear unpaid, they the said W. and B. as Bailiffs of the said Dean and Chapter, for 20. Marks of the said annual Rent so being behind, they doe lawfully acknowledge the taking of the said Sheep in the said place, in which, &c. as in parcell of the said Mannors of the said now Dean and Chapter, of the yearly Rent, in form aforesaid, charged with Distresse, &c. And as to the Sureties of the said Sheep, He saith that he had deliverance thereof in the Country, &c. therefore the Sheriff is commanded, that if the said I. I. had not the Deliverance of the said Sheep, then the said Sheep he should cause to be delivered unto the said J. J. and whatsoever, &c. he should make known unto the Lord the King, from the day of Easter, in fifteen dayes wheresoever, &c.

§. AND the said I. I. not acknowledging any matter by the said W. B. and B. W. before alleged, saith, that one W. I. was seized of the said Mannor of H. whereof the whole place, in which, &c. is parcel, in his Demise, as of Fee, and as yet remaineth, and so thereof seized in the Feast of St. Michael th' Arch-Angell, in the 20th year of the Reign of the said now King, at H. Demised unto the said I. I. that Mannor, with th'appurtenances, To have to him and his Assigns at the Term of ten years then next following, and fully to be compleated, by virtue of which said Demise, the said I. I. of that Mannor, with th'appurtenances, of such estate was possessed, and as yet remaineth, And so saith, that he doth hold the said Mannor, with th'appurtenances, at the term of years in form aforesaid, the said Freehold, and Fee thereof being in the person of the said W. I. without which said W. I. the said I. I. saith, that he cannot answer unto the foresaid W. and W. to the said Acknowledgement, and prayeth Ayd of him the said W. I. and hath, &c. Therefore the Sheriff is Commanded, that he summon by good Summons, the said W. I. that he be before the Lord the King (such a day) wheresoever, &c. to answer unto the said W. and B. together with the said I. and I. to the said acknowledgement, if, &c. the same day is given unto the parties, &c. At which day, before the said King, at Westminster, commeth aswell the said I. I. as the said W. and B. by their said Attorney, and the said W. I. then caused himself to be Essoined of a bad return comming; After which Summons, &c. of the said Plea, and hath thereupon day, by his Essoin here, untill to this day, that is to say (such a day then next following, &c.) And now here at this day commeth aswell the said I. as the said W. and I. by their

saïd Attorney, And the saïd *W. I.* the Summons unto him in the saïd County being made, by *W. S.* his Attorney likewise commeth, and joyneth himself with the saïd *I. I.* to answer unto the saïd *W.* and *B.* together with the saïd *I. I.* to the acknowledgement aforesaid, And upon this aswell the saïd *I.* as the saïd *W. I.* prayeth Licence thereupon to impart here, untill in, &c. of *St. Michael*, and they have, &c. the same day is given to the saïd *W.* and *B.*, &c. At which day here commeth aswell the saïd *I. I.* and *W. I.* who joyneth, &c. as the saïd *W.* and *B.* by their saïd Attorney, And the saïd *I. I.* and *W. I.* say that the saïd *W. B.* and *B.* the taking of the saïd Sheep in the saïd place, in which, &c. for the reason by them before alleged, they ought not to acknowledge just, because they say that one *T. D.* and *W. D.* were seized in their Demesne, as of Fee, of the saïd Mannor of *H.* with th'appurtenances, whereof the saïd place, in which, &c. is parcell, long before the saïd *R.* had any thing in the saïd Mannor, untill the saïd *R.* them the saïd *T.* and *W. B.* of the saïd Mannor unjustly disseized, and without Judgement of Disseizin; And afterwards the saïd *T.* and *W.* into the saïd Mannor, with th'appurtenances, upon the possession of him the saïd *R.* re-entred; And they say, that the saïd Graunt of the saïd Rent was made in the meanwhile between the saïd Disseizin, and the saïd Re-entrie of the saïd *T.* and *W.* And this they are ready to prove; whereupon they doe not intend that the saïd *W.* and *B.* the taking of the saïd Sheep in the saïd place, in which, &c. for the reason by them before alleged, cannot acknowledge. And from which they, the saïd *W.* and *B.* the taking of the saïd Sheep before acknowledged pray Judgement, &c. and their Judgement by that occasion to be adjudged unto them, &c.

*Enquire if the return of the Sheriff, that he had not summoned should not be expressed here. Joyn in aid; Importance.*

*Plaintif saith that the Grantor had nothing in the Mannor unless by Disseizin, and that the Grant made of the Rent, was in the mean between the saïd Disseizin, and the re-entrie of the Plaintiff.*

ff. AND they the saïd *W. B.* and *B.* say that they by any matter before alleged, from the saïd taking, acknowledged just, ought not to be precluded, because they say that one *B.* once was seized of the saïd Mannor of *H.* with th'appurtenances, in his Demesne, as of Fee, and so thereof seized, gave, and granted unto the saïd *R.* that Mannor with th'appurtenances, To have to him and his Heirs forever, by virtue of which, the saïd *R.* was thereof seized in his Demesne, as of Fee, at the Graunt made of the saïd Rent. Without this, this, that the saïd *R.* disseized the saïd *T.* and *W. D.* of the saïd Mannor of *H.* with th'appurtenances, as the saïd *I. I.* and *W. I.* who joyneth himself, &c. before have alleged. And this they are ready to prove; Whereupon he prayeth Judgement, and the return of the saïd Sheep to be adjudged unto him, &c.

*Defendant maintaineth the Plaintiff without this, that the saïd R. disseized the saïd Plaintiff, &c.*

ff. AND they the saïd *J. J.* and *W. J.* who joyneth himself, &c. say that the saïd *R.* disseized the saïd *T.* and *W.* of the saïd Mannor of *H.* as they the saïd *J. J.* and *W. I.* before have alleged, &c.

*Plaintif saith that he disseized, &c.*

Defendant avows the taking of the Cattell for rent behind, and Service undone.

ged, and this they pray, that it may be inquired of by the Country, And the said *VV.* and *B.* likewise, &c. therefore, &c.

§. AND the said *T. S.* in his own person commeth, and defendeth the force and injury, when, &c. and doth well avow the taking of the said Cattell in the said place, in which, &c. and justly, &c. because he saith that the said *J.* is, and at the day of the said taking was seized of one Messuage, and fifteen acres of Land in the said Town of *H.* whereof the place in which, &c. is parcell, in his Demesne, as of Fee, and those Tenements, with th'appurtenances, doth hold, and at the day of the said taking, held of him the said *T.* as of his Mannor of *I.* by Fealty, and the Rent of 3. shillings and 4. pence, unto the said *T.* at the Feast of Easter, and of *St. Michael* the Arch-Angell by equall portions yearly to be payd, and by the Service to reap two acres of Rye, and two acres of Oats in the Harvest, and to fill the Lords Cart, to dung a piece of Land called *Beroland*, in the Demesnes of the Land of the said Mannor growing, and being, every year by one dayes work, and doing Sute to the Court of him the said *T.* of *J.* at *H.* from three weeks, of which said Services, he was seized by the hands of the said *I.* as by the hands of his True Tenant; And because aswell the said Rent unto the said *T.* was not paid, as the said other Services were undone by two years next before the day of the said taking, the said *T.* doth well avow the taking of the said Cattell, in the said place, in which, &c. as in parcell of the said Tenements of him the said *T.* in form aforesaid held, and within his Fee, &c.

Acknowledgeth the Avowment by the Plaintiff. Judgement that the Defendant shall have the return of the Cattell irreplegiabie. Defendant without day. Plaintiff in mercy.

And the said *I.* saith, that he cannot deny, but that he holdeth of the said *T.* as of the said Mannor, the said Tenements, with th'appurtenances, by the Services aforesaid; Neither, but that aswell the said Rent, as those Services unto the said *T.* by the time aforesaid, remained behind in the form which the said *T. P.* by his said Avowment hath supposed. Therefore it is considered, that the said *T.* shall goe thereupon without day, and that the said *I.* shall take nothing by his said Writ, but that he be in mercy for his false Ciamour; And that the said *T.* shall have the return of the said Cattell irreplegiabie for ever;

Defendant avoweth the taking of the Cattell, doing damage, and the Plaintiff prayeth, that the Defendant may secure the deliverance unto him, for

§. AND the said *M.* by *R. T.* his Attorney commeth, and defendeth the force and Injury, when, &c. And doth well avow the taking of the said Cows, in the said place, in which, &c. and justly, &c. because he saith, that he is seized, and at the time of the said taking, was seized in one Messuage, and twelve acres of Meadow, with th'appurtenances, in the said Town of *G.* whereof the place, in which, &c. the said Cows were taken, is parcell in his Demesne, as of Fee, And for that he at the time of the said taking, found the said Cows, doing Damage in the said place, in which, &c. the said *M.* those Cows in



in his ground and freehold, so doing damage took as to him that the same Defendant  
it was lawfull; And this he is ready to prove, whereupon he prayeth judgement, and the return of the said Cattel, &c. And upon this the said *R.* saith that the said *M.* as yet remaineth possessed of the said Cowes, whereupon from which the said *M.* hath claimed no property in the same Cowes, desireth that the same *M.* may secure the delivery of the said Cowes unto the said *R.* and he findeth pledges of that delivery to be made, that is to say *R.T.* of, &c. and *W.S.* of, &c. Therefore the said *R.* may have the delivery thereof, &c.

And the said *R.* saith that he by any matter before alleged from his said action had, ought not to be precluded, because he saith, that he, the day before the time in which it is supposed the said Cowes were taken, and at the same time, was seized of one Messuage, and twelve acres of Meadow, with th'appurtenances, in *G.* and that the said *R.* and all his Ancestors, and all those whose estate the said *R.* now hath, had common of pasture, in a certain Moor of the said *M.* called *H.* by the whole year, and in six acres of Meadow, with th'appurtenances, in *G.* whereof the said place, in which it is supposed the said Cowes were taken, that is to say, in the said Moor, by all the year in the said Meadow, after the grasse was cut, and the Hay thereof coming, made and carried away with all his Cattle depasturing, and so saith, that he for using his said common, in the said place called *H.* put the said Cowes in the said Moor, As it was lawfull for him to doe. And this, &c. whereupon, &c.

Plaintif sayth that he was seized of one Messuage, &c. and that the same Plaintiff and all those whose estate had used to have common, &c. in a certain Moor, &c. in which, &c. And so justifies using the common, &c.

And the said *M.* saith, that the said Moor and Meadow, of him the said *M.* are the ground and freehold of the same *M.* and at the time of the said taking were, without this that the said *R.* and all his Ancestors, and all those whose estate the said *R.* now hath in the same twelve acres of Meadow, had common of pasture in the said Moor, and Meadow, as the said *R.G.* before hath alleged; And this, &c. whereupon, &c. as before prayeth judgement &c.

Defendant saith that the said Moor is his freehold without this that the Plaintiff and all his ancestors, &c. used to have common &c. Without this.

And the said *R.* saith, that he, and all his Ancestors, whose estate the said *R.* now hath in the said Messuage and twelve acres of Meadow, had common of pasture in the said Moor and Meadow, as the said *R.* before hath alleged, and this he prayeth that it may be enquired of, &c.

¶ **A**ND the said *R.A.* by *R.C.* his Attorney cometh and defendeth the force and injury, when, &c. and doth well avow the taking of the said Cattel, in the said place, in which, &c. and justly, &c. because he saith that the said *T. Harrington*, at the time of the said taking supposed to be done, and long before he

Defendant allegeth that the Plaintiff held of him by Homage, fealty, and three

shillings rent he was seized of one Messuage, and one Virge of Land, with th'appurtenances, in B. aforesaid, whereof the said place, in which, &c. is, and at the said time of the said taking supposed to be done, was parcell in his Demesne as of Fee, and so seized the same held of the aforesaid R. A. as of his Mannor of B. in C. aforesaid, by Homage, fealty, and three shillings Rent, unto the said R. A. at the feasts of St. Michael the Archangell, and the Annunciation of the blessed Virgin Mary, by equall portions yearly to be paid, by the Service to doe sute to the Court of him the said R. of his said Mannor, from three weeks to three weeks, there to be held, And also by the service to render aswell after the death of every Tenant of the said Messuage, and of one Virge of land, with th'appurtenances, dying seised, A: after every alienation thereof made or to be made, the best living thing which was of him the said Tenant, by the name of Herriot, Of which services the said R. A. was seized by the hands of the said T. H. as by the hands of his true Tenant, that is to say of the said Homage, fealty, and sute of Court, as of fee and right, and of the said Rent, and residue of the said Services, in his Demesne, as of Fee. And because the sute of him the said T. H. at the Court of the said R. A. held at his said Mannor on fryday next after the Epiphany of our Lord, in the fourteenth year of the reign of the now King unto the said R. A. remaining undone, the said R. A. doth well avow the taking of the said Cattel in the said place, in which, &c. as in parcell of the said tenement of him the said R. A. in form aforesaid held, and upon the said T. H. as upon his true Tenant thereof, &c. And within his fee, &c. And this he is ready to prove, whereupon he prayeth judgment, and the return of the said Cattel to be adjudged unto him &c.

Seised of services.

Defendant protesting that he did not hold the premises by the services in the avowment of the Plaintiff specified, and that the Defendant was not of the same seized, &c. for Plea saith, that he holdeth by fealty 3. shillings rent only, without this that he holdeth as above.

And the said T. H. saith, that the said R. A. by any thing before alleged, the taking of the said Cattel ought not to avow just, because protesting that the said T. doth not the said Messuage and Virge of land, with th'appurtenances, of the foresaid R. A. by the said services in the avowment of him the said R. before specified, &c. And protesting also that the said R. A. was not seized of the said services by the hands of him the said T. in manner and form as the said R. A. before hath alleged, for Plea saith, that the said T. doth hold the said Messuage, and Virge of land of the aforesaid R. A. as of his Mannor of B. by fealty, and the Rent of three shillings onely, for all services and ancient demands, without this that the said R. A. was seized of the said services to doe sute at the Court of him the said R. A. of his said Mannor from three weeks to three weeks, there to be held, and of the residue of the said services in manner and form as the said R. A. in his said avowment before hath alleged, and this he is ready to prove, whereupon he prayeth

prayeth Judgement, and his Damages by that occasion to be adjudged unto him, &c.

And the said R. A. saith, that the said R. was seized of the said Issue upon the Services to do Sute to the Court of him the said R. of his said Man- Tenure.  
nor, from three weeks to three weeks, there to be held, and of the residue of the said Services, in manner and form as the said R. before hath alleged, And of this he putteth himself upon the Country, and the said T. likewise, &c.

**J.** AND the said *I. T.* and *H.* by *R. M.* his Attorney cometh, and defendeth the force and injury, when, &c. and as to the taking of one Horse of the said Horses, they the said *J.* and *H.* say, that they did not take that Horse in manner and form, as the said Prioresse before against them complaineth; And of this they put themselves upon the Country, And the said Prioresse likewise, &c. And the said *I.* and *H.* further say, that they at the time in which the taking of the said Cattell is supposed to be done, they took four Horses of the said five Horses, in the said Declaration specified, and also one Cart with six Stacks of Barley in the same Cart being, with the whole Tacklyn to the said Cart belonging, that is to say, Cart-harness for the said four Horses in the same Cart, to be drawn of the said Oxen, and Cattell of the said Prioresse, in the said place, in which, &c. which said four Horses, and the said Cart, with the said six Stacks of Barley in the same Cart being, and the said Cattell, that is to say, the tackling of the said Cart, called Horse Harness, for the said four Horses drawing that Cart of *I. N.* Knight, Sheriff of the said County, at the Complaint of the said Prioresse, unto the said Prioresse caused to be replevied, and of the said four Horses and Chattells, the said *I.* in his own right, and of *Anne* his Wife, doth well avow; And the said *Hen.* as Bailiff of the same *I.* doth well acknowledge the taking of the said Cattell, in the said place, in which, &c. and justly, &c. because he saith, that the said place in which, &c. doth contain in it self ten acres of land, with the appurtenances, in *C.* aforesaid, whereof the said Prioresse at the said time, in which, &c. long before, &c. was seised in her Demesne, as of Fee, in the right of her said Monastery, and so thereof being seized, held the same of the said *I.* and *A.* his Wife, in the right of her the said *A.* as of her Mannor of *D.* in the said *C.* of *K.* by Fealty, and the Rent of 4. shillings every year, at the Feast of *St. Michael* th'Arch-Angell, to be paid, and by Service to do Sute at the Court of them the said *I.* and *A.* of their said Mannor, from three weeks Plaintiff, and the said *I. B.* and his Wife, and that afterwards the said *W. F.* granted the said Mannor unto the said *I. B.* and his Wife, and to the Heirs of their bodies, &c. in Fee-tail, and thereafter the Plaintiff assumed unto them the said *I. B.* and his Wife, and because the said Rent was behind, the Defendants took the Beasts, &c.

The form of a Plea where the Defendant took more Beasts and Chattels than the Plaintiff by his Declaration supposeth himself to have taken, the Defendants say, as to one Horse they did not take, as to the residue, say, that he the said J. D. one of the Defendants, in right of his Wife, was seized of the Mannor of D. of which Mannor the Plaintiff holdeth ten acres of land, whereof, &c. of the Defendant by Fealty, and four shillings Rent, and to do Sute of Court, and a Fine was leavyed of the same Mannor between W. F.

A Fine levied  
where the wife  
is Cognisee  
seized of the  
lands acknow-  
ledged.

State in the  
taylor made by  
Fine.

to three weeks, there to be held, of which Services the said *I.* and *A.* in the right of her the said *A.* were seized by the hands of the said Priorels, as by the hands of their then true Tenant, that is to say of Fealty, and Sute of the said Court, as of Fee, and in right, and of the said Rent in their Demetn, as of Fee; And them the said *I.* and *A.* in the right of her the said *A.* so of the said Mannor, Rent, and Services being seized long before the said time, in which, &c. that is to say, in Eight dayes of St. Michael, in the 21. year of Henry, late King of England, and France, the seventh from the Conquest, in the Court of him the said late King, at Westminster, before T. Frerick, and his fellows then Justices of him the Lord the King, and other faithfull people of the said late King then there present, a certain Fine was levied of the said Mannor, with th'appurtenances, amongst other Tenements and Rents, by the name of the Mannor of *D.* with th'appurtenances, and of one Messuage, CCC. acres of land, twelve acres of Meadow, twenty acres of Pasture, and five pounds Rent, and the rent of 20. Cocks, 100. Capons, 160. Sheep, with th'appurtenances in *D.* in the County of *K.* between William Frost then Plaintiff, and the said *I.* and *A.* by the names of *I. Batiller*, and *A.* his Wife then agreeing, whereupon the Plea of Concord was summoned between them in the same Court, that is to say, that the said *I.* and *A.* doe recognize the said Mannor, with th'appurtenances, to be the right of him the said *W.* as that, that the said *W.* then had, of the Gift of the said *I.* and *A.* And the same Remized, and quit claymer of them the said *I.* and *A.* and the Heirs of her the said *A.* unto the said *W.* and his Heirs for ever; And afterwards they the said *I.* and *A.* granted for themselves, and the Heirs, of her the said *A.* that they should Warrant unto the said *W.* and his Heirs the said Mannor with th'appurtenances, against all men for ever. And for that Recognizance, Remise, quit claymed, Warrant, Fine and Concord, the said *W.* granted unto the said *I.* and *A.* the said Mannor, with th'appurtenances, and that unto them rendred in the same Court, to have and to hold unto the said *I.* and *A.* and the Heirs of the body of them the said *I.* and *A.* begotten, of the chief Lords of that Fee, by the Services which to the said Mannor appertaineth, for ever; And if it should happen, that they the said *I.* and *A.* should dye without Heir of their bodies begotten, then after the Deceases of them the said *I.* and *A.* the said Mannor, with th'appurtenances, should wholly remain to the Heirs of her the said *A.* of her body begotten, to be held of the chief Lords of that Fee, by the Services which to the said Mannor doe appertain, for ever; And if no Heir of the body of her the said *A.* should be begotten, then the said Mannor, with th'appurtenances, should wholly remain to the right Heirs of the said *I. B.* to be held of the chief Lords of that Fee, by the Services which



which to the said Mannor appertaineth, for ever, as in the said Fine is more fully conteyned. And afterwards the said Priores of the said ten acres of land being seized at C. in the County aforesaid, to the said I. and A. returned her self, by pretence of which Fine, they the said I. and A. afterwards, and before the said time, in which, &c. into the Mannor, with th'appurtenances, entred, and thereof at the said time, in which, &c. were, and as yet doe remain seized in their Domesin, as of Fee-tayl; And because the Rent aforesaid for eight years after the levying of the said Fine, and before the said taking, supposed to be done, that is to say, for eight years next before the Feast of St. Michael th' Arch-Angell, in the fifth year of the Reigu of the now King, at the said time, in which, &c. ended, was in arrear, unto the said I. and A. and as yet remaineth unpaid, the said I. in his own right, and in the right of the said A. doth well avow, and the said H. as Bayliff of him the said I. doth well acknowledge the taking of the said Beasts, and Chattels, in the said place, in which, &c. and justly, &c. that is to say, for 14. shillings Rent, aforesaid, and of, and for the six first years of the said eight years being behind, and unpaid, and upon the said Priores, as upon the true Tenant of them the said I. and A. in form aforesaid, in the said place, in which, &c. and within their Fee, &c. And this they are ready to prove; whereupon they pray Judgement, and the return of the said Beasts and Chattels to be adjudged unto them, &c.

Attornment of  
the Tenant  
unto the Lord.

And the said Priores saith, that she by any matter by the said J. and H. before alleged, the said J. the taking of the said Beasts, and Chattels in the said place, in which, &c. to avow just, nor the said H. the same taking, in the same place, in which, &c. to acknowledge just they ought not, because protesting that there hath not been, nor from the time of the said taking, had there been any such Mannor called D. within the said County of K. protesting also, that she hath not Attorned unto the said I. and A. as the said I. and H. have alleged, protesting also, that the said place, in which, &c. is, and at the said time, in which, &c. was without the Fee of the Lordship of them the said I. and A. for Plea, saith, that the said I. and A. never were seized of the Rents and Services aforesaid, or of any parcell thereof, in manner and form which the said I. and H. before alleged, after the first going over of the Lord King Henry into *Va-  
fion*, as by the said Avowment, and Acknowledgement before supposed; And this they are ready to prove, whereupon, from which the said I. and H. the taking of the Beasts and Chattels above acknowledging prayeth Judgement, and her Damages by occasion of the taking, and unjust detension of the said Beasts and Chattels to be adjudged unto her, &c.

The Plainif  
saith, that the  
Defendant ne-  
ver was seized  
of that Rent  
and Services  
in barre speci-  
fied, &c. after  
the first going  
over of the  
Lord H. King,  
Son of the  
King in *Va-  
fion*.

And they the said *I.* and *H.* say, that they the said *I.* and *A.* were seized of the said Rent and Services by the hands of their true Tenant thereof, in what manner and form they the said *I.* and *H.* before have alleged. And of this they put themselves upon the Country, And the said Prioreſs likewise, &c. Therefore, &c.

Issue of Seizin of Rent.

Defendant prayeth Judgment of the Plaintiff returned by the Sheriff upon a *Recordare*, and saith, that it is insufficient, for that the Sirname of the Defendant was not put in the Plaintiff, & therefore that he may have the return of the Cattell, &c.

Return to be had Adjudged for insufficient Plaintiff before the Sheriff.

Plaintiff in mercy. Defendant without day.

Defendant avoweth the taking of the Cattell for Rent behind, and for Homage and Fealty not done.

**A**ND the said *I. C.* in his person cometh and defendeth the force and Injurie, when, &c. and prayeth, hearing of the Plaintiff, of the taking and deteyning of the said Cattell before the Sheriff of the said County, made, and here in Court, at this day, that is to say, on the morrow of All Souls, by virtue of a Writ of the said Lord the King, of *Recordare*, returned, and it is read to him in these words *ff. I. B.* complaineth of the Lord *John*, Chaplain of the Chauntry of the holy Virgin *Petronill* of *Harvow*, of a Plea of taking, and unjust deteyning of Cattell, Pledges to prosecute, and of those Cattell to be returned, if the return thereof should be adjudged unto *I. T.* and *I. M.* And upon this the said *I. C.* prayeth Judgement of the said Plaintiff, for that that the Chaplain of a Chauntry, is not a name of Dignity; and the said *I. C.* in that Plaintiff is not nominated by any Sirname, whereupon he prayeth Judgement, and that that Plaintiff may be made void, and the return of the said Cattell adjudged unto him, &c. And because it appeareth unto the Justices here, that the said Plaintiff is not sufficient in Law to the said *I. G.* before the said Justices here to the same Plaintiff to be put to answer, for that, that the Chaplain of a Chauntry is not a name of Dignity, And the said *I. C.* in that Plaintiff is not named by any Sirname, It is Considered, that the said *I.* shall take nothing by the said Plaintiff, and be in Mercy for his false Clamour, &c. And the said *I. C.* shall goe thereupon without day, and shall have return of the said Cattell, &c.

**A**ND the said *I. B.* in his own person cometh and defendeth the force and injury, when, &c. and doth well avow the taking of the said Cattell in the place, in which, &c. and justly, &c. because he saith, that one *M. N.* late the Wife of *I. C.* late was seized of one Messuage, one Plow-land, twelve acres of Meadow, and twelve acres of Pasture, with th'appurtenances, in *C.* in her Demesne, as of Fee, whereof the place in which it is supposed the said Cattell were taken, is parcell, and held the same of the said *I. B.* and of one *I. P.* and *I. M.* his wife, as of his Mannor of *C.* by Homage and Fealty, and at Eicuage of the Lord the King, fourty shillings, when it should happen, And at more, more, and at less, &c. And by Service to doe Sute to the Court of them the said *I. B.*, *I. P.* and *I. M.* of their said Mannor, from three weeks to three

three weeks, &c. and by the Rent of 14 shillings one penny and half penny, in every year, at the Feasts of Easter and of St. Michael th' Arch-Angel, by equall Portions to be paid, and also by the Rent of two shillings 6. pence yearly, at the end of every fourteen weeks to be paid for the keeping of the Castle of Dover, they the said *I. B. I. P. I. M.* and *M.* the same Tenements, with th'appurtenances of the said Castle by the same Rent of 2s. 6 pence in like manner to be paid, doe further hold, of which said Services (except Homage and Fealty) the said *I. B.* and the said *I. P. I. M.* and *M.* were seized by the hands of the said *M.* as by the hands of their true Tenant, And as well for the said Rent of fourteen shillings and a penny half penny, at the Feasts of Easter, and of St. Michael th' Arch-Angel, by ten years next before the day of the said taking, remaining behind unpaid, as for the 25. shillings of the said Rent of 2. shillings six pence unto them the said *I. B. J. P. J. M.* and *M.* by ten years next before the day of the said taking, after the end of every fourteen weeks yearly in form aforesaid to be paid, being likewise behind unpaid, and also for Homage and Fealty of the said *M.* undone, the said *J. C.* as in his own right, and of the said *J. P. J. M.* and *M.* doth well avow the taking of the said Castell upon the said *Margery*, and upon their true Tenant in the said place, in which, &c. as in parcell of the said Tenements of them, in form aforesaid held, and within their Fee, &c.

And the said *P.* saith, that the said *J. B.* the taking of the said Castell in the said place, in which, &c. ought not so avow just, because he saith, that the said place, in which, &c. is, and at the said time of the said taking done, was without the Fee, and Lordship of the said *J. B. J. P. J. M.* and *M.* and this he is ready to prove, whereupon, from which, &c. he prayeth Judgement, &c.

And the said *J. D.* saith, that the said place, in which, &c. is, and at the said time of the taking done, was within the Fee, and Lordship of him the said *J. B.* and of the said *J. P. J. M.* and *M.* in manner and form as the said *I. B.* by his said Avowment before hath supposed, and not without his Fee. And of this he putteth himself upon the Country, and the said *P.* likewise, &c. Therefore commeth, &c.

**A**ND the said *T. W.* by *T. S.* his Attorney commeth and defendeth the force and Wrong, when, &c. And as to all the said Castell, besides one Horse, of the said Horses, and all the said Chartels, besides one *Patel* aforesaid, at the said Town of *P.* taken, &c. he saith, that he did not take the said Beasts and Chartels (Except before excepted) in the form which the said *R.* before against him Complaineth, And of this putteth himself upon the Country, And

Defendant saith, that he was seized of all the Services besides Homage and Fealty, notwithstanding avoweth for all the Services.

Plaintiff saith, that the place, in which, &c. is out of the Fee.

Defendant as to all the Beasts and Chartels, be- did not take, and as to the residue saith, that the pro-



pertry was in a  
Stranger, and  
desireth judg-  
ment of the  
Writ.

Plaintiff saith,  
that the pro-  
perty was in  
himself,

Defendant  
saith, as to the  
taking of the  
goods, that the  
property was  
in the Stran-  
ger, and justi-  
fic as his ser-  
vant.

As to the ta-  
king of the  
Cattell, the  
Defendants  
justifie as ser-  
vants of ano-  
ther, doing da-  
mage.

the said *R.* likewise, &c. And as to the said Horse, and *Parell*, residue of the said Horses and Chattells; the said *T. H.* saith, that at the time of the said taking, the property of that Horse residue, was unto one *A. P.* And the property of that *Parell* residue then was unto one *P. T.* and not to the said *R.* as he by his said Writ and Declaration supposeth, And this he is ready to prove, whereupon he prayeth Judgement of the Writ, &c. And for to have the Return, &c.

And the said *R.* saith, that his said Writ, for the reason before al-  
leged, ought not to be made void, because, as to the said Horse and  
*Parell* residing, saith, that at the time of the said taking the property  
of the same Horse and *Parell*, was unto the said *R.* in the form which  
he by his said Writ and Declaration hath supposed; And this he pray-  
eth that it may be enquired of, &c.

AND they the said *R. S. I. N. T. I. G.* and *W.* by *I. B.* their  
Attorney commeth and defendeth the force and injury, when;  
&c. and as to the taking, and decyning of the said five Cart-  
load of Wheat in Sheaves, ten Cart-load of Barley in Sheaves, ten Cart-  
load of Oats in Sheaves, and eight Cart-load of Hay, they the said  
*R. S. I. N. T. I. G.* and *W.* prayeth Judgement of the Writ, &c.  
because they say, that the property of those Chattells, at the time of  
the said taking, supposed to be done, was unto *R. S.* of *L.* &c. and  
*T. H.* by which they the said *R.* the now Defendant *I. N. T. I. G.*  
and *W.* Servants of him the said *R. S.* of *L.* &c. and *T. H.* and by  
their Command, at the said time, in which took and decyined the  
Chattells, and the same as yet they detain, as unto them it is lawfull,  
And this they are ready to approve; whereupon, as to the taking  
and detension of those Chattells, they pray Judgement of that Writ,  
&c. And as to the taking of the said Cattell, they the said *R. S.* the  
now Defendant, *I. N. T. I. G.* and *W.* as Bailiffs of the said *R. S.* of  
*L.* and *T.* doe well acknowledge the taking of those Cattell in the  
said place, in which, &c. and justly, &c. because they say, that the  
said — in which, &c. is supposed, the taking of those Cattell to be  
done, is, and at the said time, in which, &c. was the ground and  
Free-hold of the said *R. S.* of *L.* and *T. H.* And that those Cattell  
at the same time were in the same place, eating the grass there then  
growing, and Damage there doing, by which they the said *R. S.* the  
now Defendant, *I. N. T. I. G.* and *W.* as Bailiffs of the said *R. S.*  
of *L.* and *T.* at the said time, in which, &c. took and decyined those  
Cattell, and the said Ewe-sheep, as yet they detain, as to them it  
was lawfull, and this they are ready to prove, whereupon they pray  
Judgement; if the said *P.* his Action thereupon against them ought  
to have, &c. And the said *R. S.* of *L.* and *T.* pray return of the  
Oxen, Steers, Cows, Calf, Heifers, and the said Living goods to be  
adjudge



adjudged unto them. And upon this the said *J. N.* saith that the said *R. S.* the now Defendant, *I. N. T. J. G.* and *W.* of the said Ewe-Sheep, whereof, out of which, they the said *R. S.* the now Defendant, *I. N. T. J. G.* and *W.* have claymed no property in the same Ewe-Sheep, prayeth, that they the said *R. S.* the now Defendant, *I. N. T. J. G.* and *W.* may put in Security here in Court unto the said *I. N.* for the Delivery of the same Ewe-Sheep. Upon which they the said *J. S.* the now Defendant, *J. N. T. J. G.* and *W.* as to the Security and Delivery of two Ewe-Sheep, of the said three Ewes, say, that the Delivery thereof unto the said *J. N.* they ought not to secure, because they say that immediately after that they the said Cattell in form aforesaid took, those Cattell they put in a certain open Pound, at *C.* in the County aforesaid, and afterwards the said two Ewe-Sheep with hunger, and for want of Sustenance, in default of him the said *L. M.* there perished; And this they are ready to prove; whereupon they pray Judgement, if they ought to secure the Deliverance of those two Sheep unto the said *I. N.* &c. which said matter, to the securing of the Deliverance of those two Sheep, the said *I. N.* doth not gainsay, and as to the Deliverance of that one Ewe-Sheep, as is before said deteyned, they the said *R. S.* the now Defendant, *I. N. T. J. G.* and *W.* they have found pledges of the Deliverance thereof to be made unto the said *I. N.* namely *I. Hercum*, and *J. Benning*, therefore the said *I. N.* may have the Deliverance thereof, &c.

**AND** the said *J. N.* saith, that his said Writ, as to the taking and Detention of the said Chattels, for the reason before alleged, ought not to be made void, because he saith, that the property of those Chattels at the said time, in which, &c. was unto the said *I. N.* and not unto the said *R. S.* of *L.* and *T.* as the said *R. S.* the now Defendant, and the others above have alleged, and this he prayeth may be inquired of by the Countrey, and the said *R. S.* the now Defendant, and others likewise, &c. And as to the taking of the said Cattell, the said *J. N.* saith, that the said *R. S.* the now Defendant, and the others, the taking of those Cattell ought not acknowledge just, because he saith, that the said place called *W.* in which, &c. is, and at the time of the said taking was, three closes, containing Ten acres of Land, and eight acres of Pasture in *L.* aforesaid, whereof the said *W. H.* long before the said time was seized in his Demesne, as of Fee, and so thereof seized before that time, in which, &c. that is to say, the Tenth day of January, in the Tenth year of the Reign of the said now King, at *G.* in the County aforesaid, those Closes, with th'appurtenances, amongst other Lands & Tenements in *G.* aforesaid, demised unto the said *I. N.* to have and occupy

The Plaintiff prayeth that the Defendant may secure unto him of some of the Cattell for that he hath not claimed any property. Defendant as to parcell saith, that he put them in an open Pound, and in default of the Plaintiff, with hunger they perished, to had pledges of deliverance for the residue.

Plaintiff saith, that the property of the Chattels was his, and not another's, as to the residue pleads a certain Demise unto him made by virtue of which he entered, and was thereof possessed until another disleased him, and after that, the Plaintiff put Cattell in the place, in which, &c. And that the Defendant took the same. Def. pleads a Demise at unto will, &c.

unto the said *I. N.* from the same Tenth day of *January* from thence next following, and so from year to year, at the will of him the said *W. H.* paying therefore yearly unto the said *W. H.* as long as the said *I. N.* those Closes, and also the said Lands and Tenements, by reason of that Demise should have, and occupy, 26 shillings 8. pence, to be paid at the Feast of St. *Michael* th' Arch-Angell, by virtue of which Demise, the said *I. N.* of the said Closes, together with those Lands and Tenements was possessed, untill they the said *R. S.* of *L.* and *T. H.* the aforesaid *W. H.* of those Closes before the said time, in which, &c. Disseised, and from those Closes of him the said *I. N.* expelled, and amoved, by which they the said *R. S.* of *L.* and *T.* were seized in those Tenements, with th'appurtenances, in their Demesne, as of Fee by Disseisin, And after that the said *I. N.* by pretence of the said Demise unto him made, put the said Cattell there to feed, Upon which the said *R. S.* of *L.* and *T.* then upon, and in those Closes, being the said *R. S.* the now Defendant, and the others, those Cattell then, that is to say, at the said time, in which, &c. they took and deteyned, and the Ewe-sheep, as yet they unjustly detein, of which said taking and deteyning the said *I. N.* hath now brought his said Action thereupon against them; And this he is ready to prove, whereupon he prayeth Judgement, and his Damages by that occasion to be adjudged unto him, &c.

Defendant  
maintains his  
Plea without  
this they dis-  
seized the o-  
ther Plaintiff.

Without this,

And they the said *R. S.* the now Defendant, and the others, say, that the said Closes at the said time, in which, &c. was the ground and Freehold of the said *R. S.* of *L.* and *T.* and that the said Cattell at the same time were in those Closes, &c. feeding, and there doing Damage, by which they the said *R. S.* the now Defendant, and the others as Bayliffs of the said *R. S.* of *L.* and *T.* those Cattell at the said time, in which, &c. they took and deteyned, as unto them it was lawfull, as they before have alleged; Without this, that the said *R. S.* of *L.* and *T.* have disseised the said *W. H.* of the said Close, with th'appurtenances, as the said *I. N.* before hath alleged, And this they are ready to prove; whereupon, as before, they pray Judgement, &c. and for the said *R. S.* of *L.* and *T.* the return of the said Oxen, Steers, Calf, Heifer, and living goods, to be adjudged unto him, to be adjudged unto her, &c.

And the said *I. N.* saith, that the said *R. S.* of *L.* and *T.* have Disseised the said *W. T.* of the said Closes, with th'appurtenances, in manner and form as he before hath alleged; And this he prayeth, that it may be inquired of by the Country, &c.

AND

**I. AND** they the said *R. A.* and *W. D.* by *A. B.* their Attorney commeth and defendeth the force and wrong, when, &c. all taking, and whatsoever, &c. And the same *R.* doth well avow, and the said *W. D.* doth well acknowledge the taking of the said Cattell in the said place, in which, &c. And justly, &c. because he saith, that the said *R. G.* Gent. long before the said time, in which, &c. was seized of one Tenement, and Acres of land in *C.* whereof the place, in which, &c. is, and at the said time, in which, &c. was parcel in his Demesne, as of Fee, and he so thereof seized long before the said time, in which, &c. by his certain Deed, which the said *R.* here in Court profereth, whose Date is the fourth day of the month of *July*, in the nineteenth year of the Reign of the Lord *Edmund*, late King of *England*, the Fourth, To have, hold, and receive that annuall Rent unto the said *R.* and his Assigns, at the Term of his life, of, and in the said Lands and Tenements, with th'appurtenances, every year, at the Feast of *St. Michael* th'Arch-Angell; the Birth of our Lord, Easter, and the Nativity of *St. John* the Baptist, equally to be paid. And the said *R. A.* further saith, that the said *R. G.* by his said writing further granted, that if it should happen the said yearly Rent to be behind in part, or in all, by one moneth next after any Feast, of the said Feasts, in which it ought to be paid unto the said *R. A.* or his Assigns unpaid, that then it should be lawfull unto the said *R. A.* and his Assigns, into all the said Lands and Tenements, and the rest of the Premisses, with th'appurtenances, to enter and distrein, and the Distresse so there taken, to lead, carry away, impound, and in Pound to keep, untill to him of that annuall Rent so being behind, together with the Costs and Charges, if any should be, were fully satisfied, and paid. And for twenty six shillings eight pence being behind at the end of the Nativity of *St. John* the Baptist next before the said time, in which, &c. the said *R. A.* doth well avow, and the said *W. D.* as Servant of the said *R. A.* and by his Command at the said time, in which, &c. doth well acknowledge the taking of the said Cattell in the said place, in which, &c. by the name of Distresse for 26. shillings and 8. pence, so being behind; as in the Lands and Tenements unto the Distresse of him the said *R. A.* with the said yearly Rent in form aforesaid charged, as to them were lawfull. And this, &c. whereupon, &c.

And the said *I.* not acknowledging any the matters by the said *R. A.* and *W. D.* before alleged to be true, saith that the said *R. G.* long before the said time, in which, &c. was seized of the said Tenements, with th'appurtenances; in his Demesne, as of Fee, and he so thereof seized long before the said time, that is to say, the first day of *October*, in the fourteenth year

of the Reign of the said now king, at *A.* in *C.* aforesaid, demised those Tenements, with th'appurtenances, unto the said *I. H.* to have and occupy to him, and his Assignes, from the feast of *St. Michael* th'Arch-Angell then last past, untill the end and Term of seven years, then next following and fully to be compleated, by virtue of which Demise the said *I. H.* long before the said time in which, &c. into the said Tenements, with th'appurtenances, entred, and was thereof possessed, and so the same *I.* saith that she hath nothing in the said Tenements, with th'appurtenances, unles at the Term of the said seven years, in forme aforesaid, thereupon after that term compleated belonging unto the said *R. G.* his heirs and Assignes, without which said *R. G.* the same *I. H.* saith that she cannot answer to the said Plea of the said *R. A.* and *W. D.*

Aid prayed.

And prayeth Aid of him the said *R. G.* and she hath, &c. Therefore the said *R. H.* is summoned that he before the Lord the King, from the day of Easter, in Eight weeks, wheresoever, &c. to answer to the said Plea of the said *R. A.* and *W. D.* together with the said *R. H.* if, &c. the same day is given to the said parties, &c. At which day before the said King, at *Westminster*, cometh aswell the said *I. H.* as the said *R. A.* and *W. D.* by their said Attorney, being summoned, &c. by *A. B.* his Attorney likewise cometh and joyneth himself, with the aforesaid *I. H.* to avow and acknowledge the said, &c. and aswell the same *I.* as the said *R. G.* who joyneth himself &c. Say that the said *R. A.* the taking of the said Cattel, in the said place, in which, &c. For the reason before alleged, to avow just, nor the said *W. D.* the taking of those Cattel, in the same place, in which, &c. to acknowledge just ought not, because they say, that well and true it is, that the said *R. G.* long before the said time, in which, &c. was seized in the said Tenements, with th'appurtenances, whereof the said place, in which, &c. is, and at the said time in which &c. was parcell in his Demesne, as of Fee and that he so thereof seized long before the same time gave and granted the said annuall Rent unto the said *R. A.* to have and to hold the said annuall Rent unto the said *R.* and his Assignes to the Term of his life in manner and form as the same *R. A.* and the said *W.* before in pleading have alleged; And further the said *I. H.* and *R. G.* say, that the said *R. G.* long before the said time, in which, &c. that is to say the first day of *October*, in the fourteenth year of the Reign of the said Lord the now King aforesaid, at *A.* aforesaid, demised the said Tenements, with th'appurtenances, whereof the said place in which, &c. is, and then was parcell, unto the said *I. H.* to have and occupy to him and his Assignes, from the said feast of *St. Michael* th'Arch-Angell then last past, untill the end and Term of seven years then

Plaintiff And Lessor say that the same Lessor, at the time of the making of the writing by which the said annuall Rent was granted, was within &c.



then next following and fully to be compleated, by vertue of which demise the said *I.* long before the said time, in which, &c. was thereof possessed. And moreover they the said *R. G.* and *I. H.* say that the said *I. G.* at the said time of the making of the said writing, was within the age of twenty one years. And this they are ready to prove, as, &c. Whereupon from which the said *R. A.* Within age. and *W.* the taking of the said Cattel before acknowledging pray judgement and his damages by that occasion to be adjudged unto them, &c.

And they the said *R. A.* and *W. D.* as formerly saith, that the said *R. G.* was seized of the said Tenements, with th'appurtenances, in his Demesne as of Fee, and that he so thereof seized, by his said Deed, at *C.* aforesaid, gave and granted unto the aforesaid *R. A.* the said annuall Rent of twenty six shillings and eight pence, to have and receive that yearly Rent unto the said *R.* and his Assignes to the Term of his life, of and in the said Lands and Tenements, with th'appurtenances, every year at the feasts of *St. Michael* th'Arch-Angel, the birth of our Lord, *Baster*, and the Nativity of *St. John* the Baptiste, equally to be paid; and that the said *R. G.* by his said writing further granted, that if it should happen the said yearly Rent to be behind in part or in all, by one Month after any feast of the said feasts, in which it ought to be paid unto the said *R. A.* or his Assignes unpaid, that then it should be lawfull unto the said *R. A.* and his Assignes, into all the said lands and Tenements, and the rest of the premisses, with th'appurtenances, to enter, and the distresses so there taken to lead, carry away, impound, and in pound to keep untill unto him of that annuall Rent so being behind, together with the Costs and Charges, if any should be, should be fully satisfied and paid. And for twenty six shillings and eight pence being behind at the feast of the Nativity of *St. John* the Baptiste next before the said time, in which, &c. the said *R. A.* doth wel avow, and the said *W. D.* as Servant of him the said *R. A.* and by his Command at the said time, in which, &c. doth well acknowledg the taking of the said Cattel, in the said place, in which, &c. By the name of distress for the same twenty six shillings eight pence, so being behind, as unto them it was lawfull, in manner and form as they before have alleged, without this, that the said *R. G.* at the said time of the making of the said writting, he granted the said annuall Rent, he was within the age of twenty one years, in manner and form as they the said *I. H.* and *R. G.* before in pleading have alleged. And this, &c. whereupon as formerly they pray judgement and the return of the Cattel to be adjudged unto them; And that the said *I.* from her said action against them had, may be precluded, &c.

Defendants maintains the Plea, without this: that the Lessor was within age.

Without this that the Grantor was within age, &c.

And the said *I.* and *R. G.* as formerly say, at the said time of the making of the said writing of the Grant of the Annuall Rent, was within the Age of twenty one years, in manner and form as they the said *I.* and *R. G.* before in Pleading have alleged, and this they pray, that it may be enquired of by the Country, &c.

Defendant  
justifies the  
taking of the  
Cattel for  
parcell of a  
yearly Rent  
Charge be-  
hind by the  
name of di-  
stress.

**ff.** AND the said *V. E.* by *R. M.* his Attorney cometh and defendeth the force and wrong, when, &c. And as Bailiff of the said *V. C.* widdow doth well acknowledg the taking of the said Cattel, in the said place, in which, &c. And justly, &c. Because he saith that long before the said taking supposed to be done, one *J. M.* late of the parish of *St. Lawrence* in the Ile of *Tener* in the said County, was seized of one Tenement, called the *H.* in the said Parish of *S.* and of twenty four acres of Meadow, thirty acres of pasture, and twenty acres of Wood, with th'appurtenances unto the same Tenement appertaining in *S.* aforesaid, called the *H.* whereof the said place in which, &c. is, and at the said time of the said taking supposed to be done, was parcell, in his Demefin, as of Fee, and so being seized the said *I. M.* the Eighth day of *July*, in the seventeenth year of the Reign of the *Lord Henry*, late King of *England*, the seventh, at *S.* aforesaid, by his certain Writing sealed with the Seal of him the said *I.* which the said *V.* here in Court profereth, whose date is the same day and year, gave and granted, and by the said writing, confirmed unto one *T. W.* Esquire, father of the said *T.* a certain yearly Rent of fifty three shillings and four pence, going out of the said Tenements called the *H.* in the Parish of *S.* in the said County, and of all Meadowes, feedings, pastures, and woods unto the said Tenement in what soever manner belonging, To have, levy and receive the said annuall Rent of fifty three shillings and four pence, of the said Tenements unto the said *T. W.* his heirs and Assignes for ever, at the feasts of th' *Annuntiation* of the blessed *Mary*, &c. and of *St. Michael* th' Arch-Angel to be paid by equall Portions; and the said *I. M.* by his said writing willed and granted, that if the said annuall Rent should happen to be behind in part or in all unpaid, beyond any Term of the payment thereof before limited, that then it should be lawfull unto the said *T. W.* his heirs and Assignes, in all the said Tenement, land, Meadow, feedings, pasture and Woods, and every parcell of them, to enter and distrain, and the distresses so taken thereupon, to lead, drive, carry away, and retain the same until of all the said annuall Rent, which then should be behind, together with the damages and Expences had and incurred by occasion of the Not-payment of the said Rent unto the said *T. W.* his heirs or Assignes, should be fully paid and satisfied, by vertue  
of

of which said Grant of the said *J. M.* twenty six shillings and eight pence, unto the said *T. W.* in his life, that is to say, at the feast of *St. Michael*, th' Arch-Angel in the year of the said Lord *Henry*, late King of *England* the seventh, eighteenth, at *H.* aforesaid did pay, by which the said *T. W.* was of that Rent seized, in his Demain as of Fee, and so thereof being seized the said *T.* long before the taking aforesaid supposed to be done, that is to say the twelvth day of *August*, in the third year of the Reign of the said now King, at *Feverham* in the County aforesaid, dyed thereof seized, after whose death the said Rent, with th'appurtenances, descended unto the said *T.* as Son and heir of the said *T.* and because Eighteen pound thirteen shillings and four pence, of the said Rent, for seven years ended at the feast of *St. Michael* the Arch-Angel next after the death of the said *T. W.* and next after the said taking supposed to be done, unto the said *T.* were behind, and as yet remaineth unpaid, the said *V.* for five pound six shillings and eight pence of that Rent, unto the said *T.* for the two first years of the said seven years next before the death of the said *T.* due, as bailiff of the said *T.* doth well acknowledg the taking of the said Cattel in the said place, in which, &c. as parcell of the said Tenements, upto the distress of the said *T.* in forme aforesaid charged. And justly, &c. And this he is ready to prove, &c. whereupon he prayeth judgement, and the return of the said Cattel to be adjudged unto him, &c.

And the said *S. M.* saith, that the said *V.* by any matter in his said acknowledgment before alleged the taking of the said Cattel in the said place, in which, &c. ought not to acknowledg just, because protesting that the said *J. M.* hath nothing in the said Tenements at the time of the Grant of the said Rent supposed to be done, for Plea saith that the said *J. M.* by his said Writing gave and granted unto the said *T. W.* the said annuall Rent of the said fifty three shillings and four pence, going forth of the said Tenements, in manner and form as the said *V.* in her said acknowledgement before hath alleged. And this he is ready to prove, &c. Whereupon, from which the said *V.* the taking of the said Cattel before acknowledging prayeth judgement, and his damages, by reason of the taking and detension of the said Cattel, to be adjudged unto him, &c.

And the said *V.* saith, that the said *J. M.* by his said writting gave and granted unto the said *T. W.* the said annuall Rent of fifty three shillings and four pence, going forth of the said Tenements, in manner and form as the said *V.* before hath alleged, and this she prayeth that it may be inquired of, &c.



Cambridge  
Defendant  
justifies the  
taking of the  
hurdles, for  
that that he  
was seized of  
the Mannor  
of C. and had  
accustomed to  
have folding  
within the  
Precinct of  
the same, and  
that if any o-  
ther any fold  
there should  
levy, then it  
should be law-  
full unto the  
Lord of the  
same Mannor  
the same fold  
to cast down  
flat, and those  
hurdles to di-  
stain and to  
keep untill,  
&c. And saith  
that the Plain-  
tiff hath levy-  
ed a fold  
within the  
precinct of  
the said Man-  
nor, &c.  
Mich: 33. H.  
8. roll. 100.

Enquire.

Plaintiff saith  
that the Ma-  
ster and Fel-  
lowes of the  
Kings Hall in  
Cambridge of  
the Mannor  
of Rectory of  
Chesteron

§. **A**ND the said T. Braken by I. W. his Attorney cometh and defendeth the force and injury, when, &c. All taking and whatsoever &c. And doth well avow the taking of the said thirty six Folding Hurdles, in the said two Ridges of Land, and justly, &c. Because he saith that one T. D. Master or Keeper of the Kings Hall or College within the University of Cambridge vulgarly called the Kings Hall, and the Fellowes of the same Hall or College were seized of the said two Ridges of Land, in their Demesne as of Fee, in the right of their said College, and that the said T. likewise seized in his Demesne of and in the Mannor of Chesteron in the said County, and the said T. B. and all those whose estate he hath of and in that Mannor with th'appurtenances, they had and were accustomed to have free folding in and through the Precinct of the Town of Chesteron aforesaid, and further the said T. B. saith, that if any one any other folding within the precinct of the said Town of Chesteron without leave of the Lord of the Mannor of C. aforesaid for the time being did levy, that then the Lord of the Mannor of C. aforesaid, who for the time should be, that folding by all the said time at his will hath accustomed to cast down flat, and also those Hurdles of such folding so erected by the whole time aforesaid to distrain, and at his will under safe custody likewise accustomed to put, as long as, and untill such those Hurdles in due manner out of his possession should be sued forth, and because the said T. G. before the said time in which, &c. a certain fold in and upon the said two Ridges of Land, in C. aforesaid, by the command of the said Master, and Fellowes of the said Hall or College, without the leave of him the said T. H. with the said thirty six folding Hurdles did set up and levied, the said T. B. those thirty six folding Hurdles took, and the same under safe Custody put, as to him it was lawfull, which is the same taking and detaining of the said thirty six folding Hurdles whereof the said T. G. before himself now Complaineth. And this he is ready to prove, whereupon he prayeth judgment, and the return of those thirty six folding Hurdles, and also dammage according to the form of the Statute, in such case made and provided, to be adjudged unto him, &c.

And the said T. G. saith, that the said T. B. by any matter before alleged, the taking of the said thirty six folding Hurdles in the said place, in which, &c. ought not to avow just, because he saith that the Master or Keeper of the said Hall or College, and the Fellowes, &c. at the said time in which, &c. were seized of the Mannor of the Rectory of Chesteron aforesaid, whereof the said two Ridges of Land, are, and at the said time in which, &c. were parcell, and the said Master or Keeper



Keeper of the said Hall, or College, and the Fellowes, &c. and all those, whose estate they had in the Mannor of the said Rectory, had and were accustomed to have for themselves, their Tenants and Farmers, free folding in and through the whole Precinct of the Town of C. aforesaid, by reason of his said Mannor, without any Contradiction, or leave of any to hinder; By which the said T. G. as Farmer of the said Master, and Fellowes of the said College or Hall, set up the said fold as unto him it was lawfull, Without this that the said T. B. and all those whose estate he hath of, and in the Mannor of C. had and were accustomed to have any free fold, in and through all the precinct of the Town of C. aforesaid, as the said T. B. by his said avowment before hath acknowledged, prayeth judgment, and his damages by reason of the taking of those thirty six folding Hurdles to be adjudged unto him.

whereof, &c. They the said Master and Fellowes accustomed to have for themselves and their farmers free folding in the whole precinct of the Town of C. without this that the Defendant, &c. Without this

And the said T. B. as formerly saith, that they, and all those whose estate he hath in the said Mannor of C. aforesaid, had and were accustomed to have free folding in and through the whole Precinct of the Town of C. aforesaid, as he by his said avowment before hath alledged. And of this he putteth himself upon the Countrey, &c.

**P**eter Marton was attached to answer N. C. of a Plea, wherefore he took the goods and Charrels of him the said N. and the same unjustly detained against the Sureties and pledgers, &c.

And the said P. by *W. W.* his Attorney cometh and defendeth the force and wrong, when, &c. And doth well avow the taking of the said Oxe skins, in the said place, in which, &c. and justly, &c. Because he saith, that the said Town of *Helliston* is and from the time of which the Memory, &c. was an ancient Town corporate of Major Bailiffs and Burgeses of the Town of N. within which said Town they the said Major Bailiffs and Burgeses, and all their Predecessors Majors Bailiffs and Burgeses of that Town for the time being from the time of which contrary the Memory of men doth not, &c. had, and from all the said time used to have a certain market in every Saturday in the year, in which said Market they the said Majors Bailiffs and Burgeses they took and accustomed to take a certain Toll, of all and all manner Oxen and Cowes skins, of whatsoever person or persons of the same Toll not lawfully discharged or otherwise with the same Majors, Bailiffs and Burgeses concerning the same Toll agreed and accorded within the Precinct of the said Town, that is to say of every Buyer of Beef Skin, in the said Market, so sold unto any person, or persons, foreiners, One half-pennie, and if any refuse to pay that Toll, then the said Major Bailiffs and Burgeses, and all their Predecessors

Defendant as Major of a Burrough Town justifies the taking of the skins for Toll denied. Burrough Town

Predecessors Majors Bailiffs and Burgeses, of the said Town; for the time being, from the time of which contrary, &c. used and accustomed by themselves, their officers or Servants, within that Town, or within the Precinct of the same Town, to take and keep such Oxen and Cowes skins, so in the said Market being sold, unill the said Toll thereof be paid, and the said P. saith that the said N. before the said time in which, &c. at H. aforesaid within the Precinct of the said Town, that is to say in the Market place there, he bought the said two Oxe skins, in the Market day of the same Town, upon which the said P. the then Major of the said Town, at the said Town in which, &c. at H. aforesaid, demanded of the aforesaid N. one penny, unto the said P. the then Major of the said Town, and to the Bailiffs and Burgeses of the same Town, due for Toll, for the said two Oxes skins, at the same time in the said place, in which, &c. being, which said pennie and every parcell thereof the said N. unto the said P. to the use of the said P. at that time Major of the said Town, Bailiffs and Burgeses, then and there refused to pay, by which the said P. then Major of the said Town, the said two Beef skins, of the said goods and Charrels of the said N. then and there being, for the same penny in form aforesaid denied at H. aforesaid, in the said place, in which, &c. in the same time, doth well avow the taking of the said two skins, for the said Toll in form aforesaid denied and refused. And this he is ready to prove, whereupon he prayeth judgment, and return of those two skins to be adjudged unto him, &c.

Plaintif saith that he is Burgesse of the Burrough of Bodmyn and that by reason thereof he is discharged of all Tolls within the Town of H. in barr Specified.

And the said N. C. saith, that the said P. by any matter before alleged the said taking of the said two skins, in the said place, in which, &c. ought not to avow just, because he saith, that he the said N. at the time of the taking of the said skins, and long before that was a free Burgesse of the Burrough of the Lord the King, at Bodmyn in the said County, And that the said Burrough of Bodmyn, is, and from the time of which contrary the Memory of mendoth not remain, was an ancient Burrough, of a Major Bailiffes and Burgeses of that Burrough, within which said Burrough all the Burgeses of that Burrough, and their Predecessors Burgeses of the same Burrough, from the time of which contrary, &c. were, and from all the time aforesaid, were used to be discharged freely and quietly, from all Tallages and Tolls, as well within the said Town of Helliston, as in and through all C. aforesaid, and that they may freely buy and sell all and singular Marchandize, things and Wares, as well within the said Town of H. or elsewhere, without Toll or Tallage thereof unto any person or persons rendring without any Contradiction, by pretence of which the said N. as a free Burgesse of the said Burrough of

B. at

B. at H. aforesaid, in the said place, in which, &c. the said ninth day of *August*, in the fourth year of the *Reign* of the said now King aforesaid, did buy the said two Ox-Skins, and of those Skins was possessed, untill the said P. of his own Wrong, and without lawfull Cause at H. aforesaid, in the said place, in which, &c. those Skins out of the possession of him the said N. did take. And this he is ready to prove; whereupon from the said P. his taking of the said two Ox skins in the said place, in which, &c. before acknowledged, the said N. prayeth Judgement and his Damages by occasion of the said Ox skins to be adjudged unto him, &c.

And the said P. as before saith, that the said Town of H. is, and from all the time aforesaid, was an ancient Burrough, of Maior, Bailiffs and Burgeses of the said Town of H. within which said Town the Mayor, Bailiffs, and Burgeses, and all their Predecessors, Mayors, Bailiffs and Burgeses of that Town for the time being, from the time abovesaid, had and used to have a certain Market on every Saturday in the year, in which said Market, they the said Maiors, Bailiffs and Burgeses did take, and have accustomed to take the said Toll of all, and all manner Oxen and Cowes Hides, of whatsoever person or persons of the same Toll not lawfully discharged, or otherwise with the same Maior, Bailiffs and Burgeses of the same Toll agreed and accorded, within the Precinct of the same Town, that is to say, of every buyer of every Oxen and Cowes Hide in the said Market so sold unto any person or persons Foreiners, one half-penny, and if any refused to pay that Toll, then the said Maior, Bailiffs and Burgeses, and all their Predecessors, Maiors, Bailiffs and Burgeses of the said Town of H. for the time being, for all the time aforesaid, used, and were accustomed by themselves, their Officers or Servants, within the said Town, or within the Precinct of the said Town, to take and keep such Oxen and Cowes Hides, so in the said Market being sold, untill the said Toll thereof be paid, Without this, that the said Maior, Bailiffs and Burgeses of the said Town of *Bobmy*n, used, and from the time of which, &c. accustomed to buy and sell all and singular Merchandizes, Affairs and Wares within the said Town of H. without Toll or Tallage to be rendred unto any person or persons, as the said N. afore hath alleged; And this he is ready to prove, whereupon he prayeth Judgement, and the Return of the said two Skins to be adjudged unto him, &c.

And the said N. as before saith, that the said Maior, Bailiffs, and Burgeses of the said Town of B. had used, and from the time of which, &c. they accustomed to buy and sell all and singular Merchandizes, Affairs and Wares within the said Town of H. without Toll or Tallage thereof unto any person or persons to be rendred as he afore hath alleged; And this he prayeth that it may be inquired of, &c.

Predecessors Majors Bailiffs and Burgeses, of the said Town; for the time being, from the time of which contrary, &c. used and accustomed by themselves, their officers or Servants, within that Town, or within the Precinct of the same Town, to take and keep such Oxen and Cowes skins, so in the said Market being sold, untill the said Toll thereof be paid, and the said P. saith that the said N. before the said time in which, &c. at H. aforesaid within the Precinct of the said Town, that is to say in the Market place there, he bought the said two Oxe skins, in the Market day of the same Town, upon which the said P. the then Major of the said Town, at the said Town in which, &c. at H. aforesaid, demanded of the aforesaid N. one penny, unto the said P. the then Major of the said Town, and to the Bailiffs and Burgeses of the same Town, due for Toll, for the said two Oxes skins, at the same time in the said place, in which, &c. being, which said pennie and every parcell thereof the said N. unto the said P. to the use of the said P. at that time Major of the said Town, Bailiffs and Burgeses, then and there refused to pay, by which the said P. then Major of the said Town, the said two Beef skins, of the said goods and Charels of the said N. then and there being, for the same penny in form aforesaid denied at H. aforesaid, in the said place, in which, &c. in the same time, doth well avow the taking of the said two skins, for the said Toll in form aforesaid denied and refused. And this he is ready to prove, whereupon he prayeth judgment, and return of those two skins to be adjudged unto him, &c.

Plaintiff saith that he is Burgesse of the Burrough of Bodmin and that by reason thereof he is discharged of all Tolls within the Town of H. in barr specified.

And the said N. C. saith, that the said P. by any matter before alleged the said taking of the said two skins, in the said place, in which, &c. ought not to avow just, because he saith, that he the said N. at the time of the taking of the said skins, and long before that was a free Burgesse of the Burrough of the Lord the King, at Bodmyn in the said County, And that the said Burrough of Bodmyn, is, and from the time of which contrary the Memory of mendoth not remain, was an ancient Burrough, of a Major Bailiffes and Burgeses of that Burrough, within which said Burrough all the Burgeses of that Burrough, and their Predecessors Burgeses of the same Burrough, from the time of which contrary, &c. were, and from all the time aforesaid, were used to be discharged freely and quietly, from all Tallages and Tolls, aswell within the said Town of Helliston, as in and through all C. aforesaid, and that they may freely buy and sell all and singular Marchandize, things and Wares, aswell within the said Town of H. or elsewhere, without Toll or Tallage thereof unto any person or persons rendring without any Contradiction, by pretence of which the said N. as a free Burgesse of the said Burrough of

B. at



B. at H. aforesaid, in the said place, in which, &c. the said ninth day of *August*, in the fourth year of the Reign of the said now King aforesaid, did buy the said two Ox-Skins, and of those Skins was possessed, untill the said P. of his own Wrong, and without lawfull Cause at H. aforesaid, in the said place, in which, &c. those Skins out of the possession of him the said N. did take. And this he is ready to prove; whereupon from the said P. his taking of the said two Ox skins in the said place, in which, &c. before acknowledged, the said N. prayeth Judgement and his Damages by occasion of the said Ox skins to be adjudged unto him, &c.

And the said P. as before saith, that the said Town of H. is, and from all the time aforesaid, was an antient Burrough, of Maior, Bailiffs and Burgesles of the said Town of H. within which said Town the Mayor, Bailiffs, and Burgesles, and all their Predecessors, Mayors, Bailiffs and Burgesles of that Town for the time being, from the time abovesaid, had and used to have a certain Market on every Saturday in the year, in which said Market, they the said Maiors, Bailiffs and Burgesles did take, and have accustomed to take the said Toll of all, and all manner Oxen and Cowes Hides, of whatsoever person or persons of the same Toll not lawfully discharged, or otherwise with the same Maior, Bailiffs and Burgesles of the same Toll agreed and accorded, within the Precinct of the same Town, that is to say, of every buyer of every Oxen and Cowes Hide in the said Market so sold unto any person or persons Forainers, one half-penny, and if any refused to pay that Toll, then the said Maior, Bailiffs and Burgesles, and all their Predecessors, Maiors, Bailiffs and Burgesles of the said Town of H. for the time being, for all the time aforesaid, used, and were accustomed by themselves, their Officers or Servants, within the said Town, or within the Precinct of the said Town, to take and keep such Oxen and Cowes Hides, so in the said Market being sold, untill the said Toll thereof be paid, Without this, that the said Maior, Bailiffs and Burgesles of the said Town of *Bobmy*n, used, and from the time of which, &c. accustomed to buy and sell all and singular Merchandizes, Affairs and Wares within the said Town of H. without Toll or Tallage to be rendred unto any person or persons, as the said N. afore hath alleged; And this he is ready to prove, whereupon he prayeth Judgement, and the Return of the said two Skins to be adjudged unto him, &c.

And the said N. as before saith, that the said Maior, Bailiffs, and Burgesles of the said Town of B. had used, and from the time of which, &c. they accustomed to buy and sell all and singular Merchandizes, Affairs and Wares within the said Town of H. without Toll or Tallage thereof unto any person or persons to be rendred as he afore hath alleged; And this he prayeth that it may be inquired of, &c.

**T.** K. was Summoned to answer unto *I. N.* and *I. F.* of a Plea, wherefore he took the Cattell of him the said *I.* and the other, and the same unjustly deteyned against the Sureties and Pledges, &c.

Defendant as to one Oxe  
saith, that he  
did not take,  
and as to the  
other, that he  
took it by the  
name of a He-  
rior.

And the said *T. L.* by *J. G.* his Attorney commeth and defend-  
eth the force and wrong, when, &c. and as to the taking of one Oxe  
of the said Oxen, the said *T.* saith, that he did not take the said, as  
the said *J.* and *J.* before against him do Complain, And of this he  
putteth himself upon the Countrey. And the said *I.* and *I.* likewise, &c.  
And as to the taking of the other Oxe of the said Oxen, the said *T.*  
doth well avow the taking of the said other Oxe in the said place, in  
which, &c. and justly, &c. because he saith, that long before the  
taking of the said other Oxe, before supposed, one *J. G.* was seized of  
one Messuage, with th'appurtenances in *W.* aforesaid, in his Demesne,  
as of Fee, and so seized held the same of the same *T.* by Fealty, and  
the Rent of eight pence unto him the said *T.* every year, at the Feasts  
of the Annunciation of the blessed *Mary*, &c. and of *St. Michael*  
th'Arch-angell, to be paid by equall Portions, and also by Service,  
that every Tenant of the said Messuage, with th'appurtenances there-  
of, seized in his Demesne, as of Fee, or in use from the time of which  
Contrary, &c. he ought, and had accustomed to render unto the said  
*T.* and his Heirs, the best living, of the same Tenant of the said  
Messuage with th'appurtenances so thereof dying seized in his De-  
mesne, as of Fee, or in use, by the name of *Heriot*, of which Services  
the said *T.* was seized, by the hands of the said *I. G.* as by the hands  
of his true Tenant, that is to say, of the said Fealty, as of Fee and  
right, and of the said Rent in his Demesne as of Fee. And afterward  
the said *I. G.* dyed of the said Messuage, with th'appurtenances, sei-  
zed in his Demesne, as of Fee. And because the said other Oxe was  
the proper Oxe of the said *I. G.* at the time of his death, the said *T.*  
that Oxe as the best Animall which was of the said *I. G.* at  
the time of his death, by the name of a *Heriot*, he took and  
justly, &c.

Plaintiff saith,  
that the Mes-  
suage, &c. is  
without the  
Fee, & Lord-  
ship of the  
Defendant.

And they the said *I. N.* and *I. F.* say, that the said *T. L.* by any  
matter before alleged, the taking of the said other Oxe, residue of the  
said two Oxen, ought not to avow just, because he saith, that the said  
Messuage with th'appurtenances, is, and at the said time, in which,  
&c. was without the Fee and Lordship of the said *T.* and not with-  
in; And this he is ready to prove; whereupon from what the said  
*T. L.* the taking of that Oxe before hath acknowledged prayeth  
Judgement, and his Damages by occasion of the taking and deteyn-  
ing of the said Oxe to be adjudged unto him, &c.

And the said *T. L.* saith, that the said Messuage with th'appur-  
tenances,

tenances, is, and at the said time in which, &c. was within the Fee, and Lordship of him the said T. as he before hath alleged, And of this he putteth himself upon the Country, and the said A. N. and I. F. likewise, &c. therefore aswell to try, &c. as, &c. cometh, &c. before the said King in eight dayes of the holy Trinity wherefover, &c. And who neither, &c. To Recognize, &c. because aswell, &c. The same day is given unto the said parties, &c.

**¶** AND they the said I. B. and W. B. by A. B. their Attorney commeth and defendeth the Force and Injury, when, &c. One of the Defendants and the said W. faith, that he did not take the said Cattell, as the said E. before against him hath declared; And of this he putteth himself upon the Country, And the said E. likewise, &c. And the said I. doth well avow the taking of the said Cattell in the said place, in which, &c. and justly, &c. because he saith, that long before the time in which the said taking is supposed to be done, one J. T. and W. M. were seized of five acres of Land with th'appurtenances in the said Town of B. whereof the said place in which the said taking is supposed to be done, is parcell in his Demesne, as of Fee, and so thereof seized, Demised the same five acres of Land with th'appurtenances, whereof the said place, in which, &c. is parcell, unto the said I. B. To have and to hold unto the said I. B. from year to year, at the will of them the said I. T. and W. M. by virtue of which Demise the said I. B. was possessed of the said five acres of Land, with th'appurtenances, To hold in form aforesaid, and so thereof possessed by the Will of the said I. T. and W. M. plowed the said five acres of land, and with Corn sowed the said five acres of land, after the same Sowing at the said time, in which the said taking is supposed to be done, when the said Corn was bladed, And for that, that the said I. B. at the same time in which, &c. found the said Cattell in the same place, in which, &c. there doing Damage, and eating the said blades, the said I. B. doth well avow the taking of the said Cattell in the said place, in which, &c. doing Damage, &c.

And the said E. saith, that the said I. for the reason before alleged the taking of the said Cattell ought not to avow just, because he saith that the five acres of land are one Close by it self, and that the said I. T. and W. M. and all other Tenants thereof from time out of mind, have accustomed to shut the said Close, so as themselves undamnified from going into that Close, and the feeding, treading down of their grasse or blades there growing, by the Cattell of whomsoever there to be done, they would preserve, And the said E. further saith, that he is, and at the same time was seized of another five acres of Land, with th'appurtenances, in the same Town, neer adjoining unto the said Close, And that he before the said time, of the said taking,

Plaintiff saith, that the trespass was done for default of Closeure of the Defendant.

taking, put the said Cattell in his said five acres of Land to feed, and those Cattell for default of shutting of the said Close, of the said *I. B.* and *W. M.* entred the same Close, and the said Damage, at the same time of the said taking did; And this he is ready to prove, &c. Whereupon, from which the said *I. B.* the taking of the said Cattell, in the said place, in which, &c. as before, prayeth Judgement, and his Damages by that occasion to be adjudged unto him, &c.

Defendant  
saith, that the  
place in which  
&c. was not  
used to be clo-  
sed from the  
time, &c.  
Without this,

And the said *I. B.* saith, that he by any matter before alleged, from the taking the said Cattell to be avowed, ought not to be precluded, because he saith, that the said Close doth lye open, Without this, that the said *I. T.* and *W. M.* and all others, Tenants thereof, accustomed to shut that Close, from the time which Memory is not extant, as the said *I. B.* before hath alleged, And this, &c. whereupon he prayeth Judgement and the return of the said Cattell to be adjudged unto him, &c.

And the said *E.* saith, that the said *I. T.* and *I. M.* and all others, Tenants of the said Close, accustomed to shut the said Close, from the time in which Memory is not extant, As the said *E.* before hath alleged, And this he prayeth may be Inquired of by the Countrey, &c.

*Rem.*  
Declaration  
upon a Reple-  
vin, yet they  
are deteyned  
in severall  
places,

*J. W. D. H. T.* and *J. W.* were summoned to answer unto *T. K.* of a Plea, wherefore they took the Cattell of him the said *T.* and the same unjustly deteyned against the Sureties and Pledges, &c. Whereupon the said *T.* by *W.* his Attorney. Complainerth, that the said *H.* and *I.* 12. day of *February*, in the Tenth year of the Reign of the said now King, at *H.* in the County aforesaid, in certain places called *M.* and *D.* they took the said Cattell, that is to say, in the said place, called *M.* 31. Weather-sheep, parcell, &c. in the said place called *D.* they took three Lambs, residue, &c. and the same as yet they unjustly deteyn agatust Sureties and Pledges, &c. whereupon he saith, that he is the worse, and hath damage to the value of ten pounds, And thereupon he bringeth his Sute, &c.

Two of the Defendants doe avow the taking in the right of their Wives, as Daughters, and Heirs of a Woman who was seized of Land, for Damages done, and the third as Servant of them, and by their Command doth well acknowledge the taking, &c.

Plaintif saith in replying that another in the right of his Wife was seized of the Tenements, &c. and the same Plaintiff Demised at Term of years, Without this, that the Mother of the Wife avowing, dyed seized of the Tenements, &c. as, &c. and prayed further, that the Avowant secure unto him Deliverance, &c.

Defendant maintaineth that the Mother of their Wives dyed seized as, &c. and for security of Delivery, they should say, in form following, &c.

And



And further, they the said *W. H.* and *I.* say that they the Delivery of the said Cattell unto the said *T.* ought not to secure, because they say, that the said Cattell, in the said ten acres of Land, with th'appurtenances, by the name of a Distresse, from the Cause by them before in their said Avowment alleged they took, and the same Cattell unto the Town of *B.* in the said County they chaled, and were wronged, And the same Cattell there in a certain open Pound, where the said *T.* might have given them the sustentation of food of Cattell, if he would have given it unto them, to be kept in Safety as a Distresse, And this they are ready to prove; Whereupon they pray Judgement, if they the Delivery of the said Cattell unto the said *T.* in this behalf ought to secure, &c.

And the said *T. L.* saith, that the said *W. H.* and *I.* ought not to secure the Delivery of the said Cattell unto him, because he saith, that they the said *W. H.* and *I.* after the taking of those Cattle, converted them to their own use; Without this that those Cattell in default of him the said *T.* with hunger perished, in that manner and form, which the said *W. H.* and *J.* before in pleading have alleged, And this he is ready to prove, as the Court, &c. Whereupon he prayeth Judgement, and that they may secure unto him the Delivery thereof, &c.

And they the said *W. H.* and *I.* as formerly say, that the said Cattell in the Default of the said *T.* perished with hunger; as they the said *W. H.* and *I.* before in pleading have alleged; And of this they put themselves upon the County, And the said *T.* likewise, &c. And therefore aswell to try, &c. as, &c.

ff. **A**ND upon this the said *R. G.* prayeth that the said *J.* and *J.* may secure unto him the Delivery of the two Cows, of the Cows aforesaid; And they the said *J. J.* unto him the said *R.* the Delivery of those Cows are undertaken by *T. S.* and *R.* therefore the Command is to the Sheriff, that those two Cows he cause to be delivered unto the said *R. C.* without delay, and in whatsoever manner, &c. he shall make known in eight dayes of Saint Hilary, &c.

**T**HE Lord the King, sent his Close writ to the Sheriff of Cornwall in these words; *Henry* by the Grace of God of England, &c. reciting word by word the Writ of the pluries Replegiar. &c. The Indorsement of the same Writ followeth, in these words, the Cattle within written are removed to a place to me unknown, by the within written *I. B.* and *I.* further I Certifie unto the Repleg. of Proces upon a Writ of Replevin by the Plaintiff not found. Parl. 37. H. 6. Return of a Writ of Plur' Replevin.

The Advocants say, that they took the Cattell by the name of a Distress, & they put them in an open Poind where they petished.

The Advocants say, that after the said taking, converted the same to his own use. Without this, that in default of the Plaintiff, they perished with hunger.

Declaration in a Writ of Replevin of Cattell, where the Defendants doe appear upon the Writ plur.

Note if the  
sheriff makes  
Replevin by  
writ the Plain-  
tiff doth not  
put in security  
to the sheriff  
but to the  
Court.  
Declaration  
in a Replevin  
where the Cat-  
tel were taken  
in one Town,  
and were im-  
pounded and  
detained in  
another.

Imparlarice in  
a Replevin.

Kent.

Declaration  
upon a Reple-  
vin for taking  
and detaining  
of beasts and  
Chartels.

Defendant as  
Bailliff of the  
Prior acknow-  
ledgeth the

Lord the King, that no other writ besides this writ, was deliver-  
unto me. And now at this day, that is to say, at the said fifteen  
dayes of Easter, in the same Term, before the Lord, the King, at *W.*  
cometh aswell the said *W.* by *I. G.* his Attorney, as they the said *I. B.*  
and *I. K.* by *P. G.* his Attorney, upon which they the said *I. B.*  
and *I. K.* prayeth that the said *W.* may declare against them in  
the said Plea, and upon this the said *W.* findeth his Pledges here  
in Court, to prosecute, that is to say *I. G.* and *R. I.* And com-  
plaineth that the said *I. B.* and *I. K.* the Monday next after the  
feast of the Epiphany of our Lord, in the thirtieth year of the Reign  
of the said now King at *P.* in a certain place called *M.* they took  
twenty Oxen of the price of every Oxe twenty shillings, ten Steeres  
of the price of every Steere ten shillings, ten Cowes of the price of  
every Cowe ten shillings, and four Horses of the price of every  
Horse twenty six shillings and Eight pence, and brought them to  
*T.* and there have impounded and unjustly detained against Sure-  
ties and Pledges. And that they the said *I. B.* and *I. K.* the same  
day and year took Cattel, that is to say ten Oxen of the price of  
every Oxe twenty shillings, six Cowes of the price of every  
Cow ten shillings, and ten Steeres of the price of every Steer  
ten shillings, at *H.* in a certain place called *B.* and there im-  
pounded and unjustly detained, and as yet unjustly they doe de-  
tain against Sureties and Pledges, &c. Whereupon he saith that  
he is the worse, and hath damage to the value of *C* marks, and  
thereupon he bringeth his sute, &c.

And they the said *I. B.* and *I. K.* doe defend the force and  
wrong when, &c. all taking and unjust detaining, &c. whatsoever,  
&c. And they pray a day to imparle, and it is granted unto them,  
&c. And upon this day thereupon is given to the said parties un-  
till in Eight dayes, of the holy Trinity wheresoever, &c. That is  
to say the said *I.* and *I.* to imparl and then to answer, &c.

**K.** *B.* of *P.* was summoned to answer unto *W. M.* of a Pica  
wherefore he took the Cattel and Chartels of him the said *W.*  
and the same detained against Sureties and Pledges, &c. And where-  
upon the said *W.* by *I. G.* his Attorney complaineth that the said  
*R.* in such a day and year, &c. at *I.* in a certain place called *S.*  
took Cattel, that is to say, three Horses, and Chartels, that is to say  
one Cart, and four Copps, and six Sheaves of the wheat of him  
the said *W.* and the same detained against Sureties, and Pledges  
untill, &c. Whereupon he saith that he is the worse, And hath  
dammage, &c. And thereupon bringeth his sute, &c.

And the said *R. B.* by *W. F.* his Attorney cometh and defend-  
eth the force and injury, when, &c. and as Bailliff of *W.* Prior of  
Christis

Christe Church in Cambridge doth well acknowledge the taking of the said Cattell, &c. in the said place, in which, &c. And justly, &c. because he saith, that the said T. late Prior of the said Church, Predecessor of the said now Prior, and all his Predecessors, heretofore Priors of the said Church, from the time of which, &c. were seized of a certain Rent of six shillings eight pence, Comming forth of twenty acres of Land, with th'appurtenances, in I. afore said, whereof the said place, in which, &c. is, and at the time of the said taking done, was parcell in his Demesin, as of Fee, in the Right of his said Church, by the hands of the Tenant of those twenty acres of Land, with th'appurtenances, for the time being, yearly at the Feast of the Ascension of our Lord, and of St. Andrew the Apostle, to be paid by equall Portions, And the said T. late Prior, and all his Predecessors heretofore Priors of the said Church, from the time of which, &c. in the Right of that Church distreined, and used to distrein for the said Rent, and the Arrerages of the same, in the said twenty acres of Land, with th'appurtenances, and in every parcell thereof, when that Rent, or any parcell thereof unto the Prior of the said Church for the time being, by any Feast, in which, as is premised, ought to be paid, should happen to be behind unpaid, and the Distresses so taken, to lead, chase, carry away, and wholly to retrein them, untill that Rent, and the Arrerages of the same, unto the Prior of the said Church for the time being, should be fully satisfied and paid, which said T. the late Prior afterward dyed, after whose death the said now Prior was elected, and made Prior of the said Church; And because the said Rent at the time of the said taking supposed to be done, was behind for two years next before the day of the said taking done unto the said now Prior, unpaid, the said R. B. as Bailiff of the said now Prior, for thirteen shillings four pence of that Rent of those two years so being behind, doth well acknowledge the taking of the said Cattell, and Chattels, in the said place, in which, &c. And justly, &c. as in parcell of the said twenty acres, with th'appurtenances, unto the Distresse of him the said Prior of that Rent, in form afore said charged, And justly, &c. And this he is ready to prove, &c. whereupon he prayeth Judgement, and the Return of the said Cattell and Chattells to be adjudged unto him, &c.

taking of the  
Cattell for a  
Rent charge  
and arrears be-  
hind where he  
was thereof by  
prescription.

As of a Rent-  
Charge.

The death of  
one of the  
Priors, the  
Choosing of  
another.



# ACTIONS OF TRESPASS upon the CASE.

## TRESPAS UPON THE CASE.

Declaration  
for Scandall of  
a Tytle.



*Stevens*, otherwise *Walker*, complaineth of *Thomas Gittens*, in the Custody of the Marshall, &c. for that namely, that where- as the eighth day of *October*, in the eleventh year of the Reign of the said Lady, the now Queen, one *I. E.* was seized in his Demesne, as of Fee, of, and in one Messuage, a hundred acres of Land, forty acres of Meadow, two hundred acres of Pasture, and twenty acres of Wood, with th'appurtenances, in *H.* in the said County, and so being thereof seized, the same *I.* afterwards, that is to say, the 22. day of *October*, in the said eleventh year, infected the said *R.* of the said Messuage, and the rest of the Premises, with th'appurtenances, to have to the said *R.* to him and his Assigns for ever, by virtue of which the said *R.* into the said Messuage, and the rest of the Premises; with th'appurtenances entred, and was, and yet is thereof seized in his Demesne, as of Fee, which said Messuage, and the rest of the Premises, with th'appurtenances, being desirous to sell, to pay divers sums of money unto divers persons unto whom he was indebted, the said Messuage, and the rest of the Premises, with th'appurtenances unto one *G. P.* and divers other subjects of the Lady, the now Queen, after the said 22. day of *October*, in the eleventh year aforesaid, and before the 20. day of *March*, in the twenty third year



year of the Reign of the said Lady the now Queen, for one hundred pounds of lawfull money of England could have bargained, and aliened, the said *Thomas*, well knowing of the Premises, craftily and deceitfully imagining, and intending the said *R.* of the Sale of the said Messuage, and the rest of the Premises, with th'appurtenances, for a good value of the same, maliciously to hinder, and the right and Title of the said *R.* of, in the said *R.* and the rest of the Premises unjustly and untruly to extenuate, scandalize, and to bring into obloquy; Afterwards, that is to say, the 22. day of *March*, in the twenty third year abovesaid, at *H.* abovesaid, in the said County, by colour of a certain Deed: indented by one *W. E.* unto the said *T.* of, and in the Premises, made in the presence and hearing of divers Venerable, and of other worthy people of Credit, subjects of the now Lady the Queen, then, and there being, and hearing, did speak these false, feigned, and scandalous English words, and plainly with a loud voice, pronounced and published, that is to say I (himself the said *T. B.* meaning) have better right to half the Lands (meaning the half of the said Messuages and Tenements above specified) than he the (meaning the same) *R.* now Plaintiff hath, Which said *W. E.* had no right to sell the said Messuage, and the rest of the Premises, where in truth the said *R. S.* purchased the said Messuage, and the rest of the Premises, with th'appurtenances, of the said *J. E.* who at the time of that purchase had right to sell the said Messuage, and the rest of the Premises, with th'appurtenances, and where in truth the said *T. E.* nothing of right or lawfull claim, of, to, or in the said Messuage, and the rest of the Premises, with th'appurtenances, then had, or as yet hath, or in any manner whatsoever was able, or is able lawfully to sell or demand, by pretence of which said speech, publication and claim abovesaid, the said *R.* at any time after the 20. day of *March*, in the twenty third year above said, the said Messuage, and the rest of the Premises, with th'appurtenances, unto any person in no wise could bargain or sell, by reason of which, the said *R.* was not onely constrained to his great charges and costs to borrow of divers persons, divers sums of money to be paid at the debt of him the said *R.* and also true it is, the same *R.* for clearing of the said Title and Claym by the said *T. G.* in form abovesaid made, and for the manifestation and proof of the right and title of him the said *R.* abovesaid, of and in the said Messuage, and the rest of the Premises, with th'appurtenances, he took upon him, and underwent divers grievous Labours of his body, and hath divers wayes spent vast sums of money, and also certain other great durifull Affairs of him the said *R.* doe remain undone, and neglected; Whereupon the said *J.* saith, that he is the worie, and hath Damage to the value, &c.

Enquire whether these words are sufficient to maintain the said Action, because the Defendant spoke the words in his proper right and title.

Justification  
of the speak-  
ing of the  
scandalous  
words, by rea-  
son of a Feoff-  
ment.

§. **AND** the said *T. E.* by *E. B.* his Attorney cometh and defend-  
eth the force and Injury, when, &c. And saith that he ought  
not to maintain an Action, because he saith, that the said *W. E.*  
tenth day of *August*, in the eleventh year of the Reign of  
the now Lady, the Queen, was seized in his Demelin, as of Fee, of,  
and in the Moitie of the said Messuage, and the rest of the Premises,  
with th'appurtenances in *H.* aforesaid, in the County aforesaid;  
And so thereof being seized, the said *W. E.* afterwards, that is to say  
the tenth day of *October*, in the seventeenth year of the Reign of the  
Lady, the now Queen, for the sum of 13*l.* 6*s.* and eight pence,  
of lawfull money of *England*, to him paid, infeofed the said *T. E.*  
of the Moity of the said Meisurage, and of the rest of the Premises,  
with th'appurtenances in *H.* aforesaid, To have unto the said *T. E.*  
his Heirs and Assigns for ever, to the use and behoof of him the said  
*T. E.* his Heirs and Assigns for ever, by reason of which said Feoff-  
ment in form aforesaid, unto the said *T. E.* by the said *W. E.* made  
afterwards, that is to say, the said twentieth day of *March*, in the  
twenty third year aforesaid at *H.* aforesaid, in the County aforesaid,  
the said *T. E.* did speak the said English words, in the said Declara-  
tion before specified, namely, &c. As to him it was lawfull, And this,  
&c. whereupon, &c.

Defendant in  
his own Inju-  
ry.

§. **AND** the said *R. S.* saith, that he by any matter by the said  
*T. E.* above in pleading alleged, ought not to be precluded,  
because he saith, that the said *T.* the twentieth day of *March*, in  
the twenty third year aforesaid, at *H.* aforesaid, of his own Injury,  
without such Cause by him the said *T.* above in pleading alleged, did  
speak the said English words in the said Declaration above specified,  
namely, &c. in manner and form as the said *R.* above against him  
Complaineth, And of this he putteth, &c.

Declaration  
for words the  
Plaintiff to be  
a felon.

§. **E. H.** Complaineth of *W. T.* in the Custody of the Marshall,  
&c. for that namely, that whereas the said *E.* remained a  
good, true, faithfull, and Liege Subject of the now Queen, and as  
a good, true, faithfull, and Liege Subject of the said now Queen, and  
of divers of her Progenitors, late Kings of *England*, from the time  
of his Nativity hitherto, behaved, had and governed himself, and of a  
good name, fame, condition, conversation, and gesture among all his  
Neighbours, and other faithfull Subjects of the Lady, the now  
Queen, with whom the said *E.* hitherto had fellowship, was noted,  
and reputed, and as a faithfull subject of the said Lady, the Queen,  
without any Crime of Theft, Felony, Falstye and Deceipt, from the  
whole time aforesaid hath remained, and continued unhurtfull, un-  
toucht,

tought, and unpotted; Notwithstanding which, the said *W.* not being ignorant of the Premises, thinking to deprive the said *G.* of his good name, fame, and credit aforesaid, And so to bring him the said *E.* into a bad name, fame, and opinion of the Liege people of the said Lady, the Queen, as they the said Liege people of the said Queen, from the Company of him the said *E.* should withdraw themselves, & with him in any manner they distrusted to deal, or to have Commerce, And in forfeiture of all and singular his Goods and Chattells, Lands and Tenements, and also to cause to be brought, and put into the danger of the loss of his life (in such a day and year, at, &c.) in the presence and hearing of divers Worshipfull, and other faithfull Subjects of the said Lady, the now Queen, then and there being, and hearing these scandalous and opprobrious English words following, which the said *E.* did speak, utter, affirm, pronounce and publish, that is to say, &c. by pretence of which said false and scandalous words, speech, and utterance, the said *E.* not onely in his good name, fame, and credit aforesaid, which before towards his Neighbours, and divers Worshipfull, and other faithfull Subjects of the said Lady, the now Queen, he had used, is hurt; And also it is true, they his said Neighbours, and many more faithfull Subjects of the said Lady, the Queen, with the said *E.* in any manner refused to intermeddle by the said occasion, and from the company of the said *E.* they withdrew themselves, by which the said *E.* divers great gains, profits, and advantages, which he in buying, selling, and lawfull bargaining with such his Neighbours, and other faithfull Subjects of the said Lady, the now Queen, to the Relief of him the said *E.* and his Family, might have gained, hath altogether lost, and to let pass to the Damage, &c.

**f. K.** *B.* complaineth of *R. W.* in the Custody of the Marshall, Declaration upon the Statute for impounding of Cattrell within the County of *Westminster* the twelfth day of *November*, in the first year of their Reign, then continued, and held untill the sixteenth day of *April* then next following, No distress of Cattrell should be driven out of the Hundred, Tythenham, Wapentage, or Township, where the said Distress should be taken, unless it be openly within the same County, not above three mile distant from the place where the said distress should be taken; And that no Cattrell, or other goods distreyned, or taken by the way of Distress, for whatsoever cause, at one time should be Impounded in severall places, by which the Proprietor, or Proprietors of such Distress, for whatsoever Cause should be constreyned to prosecute severall Replevins for Deliverance of the said Distress at one time so taken, Under pain of

1. 2. Ph. & M.

*Trespass upon the Case.*

every such person offending, contrary to that Act, to forfeit to the party grieved, and for every such offence five pounds, and his treble Damages, As in the said Statute more fully is contained; The said *I.* the said Statute not regarding, nor fearing the penaltie in the same contained, five Sheep, and six Lambs of him the said *R.* at *G.* in the Hundred of *F.* in the County aforesaid, being in a certain place called *B.* took into Distress, and those Sheep and Lambs thence out of the said County of *S.* and Hundred, into *R.* in the County of *C.* did drive, and those Sheep and Lambs there impounded, and so impounded, deteyned against the Sureties and Pledges, in Contempt to the Act of now the said Queen, and to the great Damage of him the said *R.* and contrary to the form of the said Statute, whereupon he saith, that he is the worse, and hath Damage to the value of ten pounds, And thereupon he bringeth his Sute, &c.

Declaration  
for stopping  
of a way.

*J. T. W.* Complaineth of *W. T.* the elder, and *W. T.* the younger, in the Custody of the Marshall, &c. for that, that is to say, that whereas the Town of *M.* in the County aforesaid, hath been an antient Town, within which, from time out of mind it had been accustomed and used, that every Inhabitant of the said Town for the time being, well, freely, and quietly might, and was able to pass through a certain way, called the Church-way, leading from *M.* aforesaid, untill to a certain place in the Parish of *M.* aforesaid, called *Ledborn Green*, from time, for the carriage of his Hay, aswell through a certain passage, called a Mead, in the said Parish, as through certan Closes and Pastures in *L.* aforesaid, to his severall Messuages in *M.* aforesaid, being they the said *W. T.* the elder, and *W.* well knowing of the Premisses, craftily devising to hinder and disturb the said *T.* and all the Inhabitants of the Town of *M.* aforesaid being, from the whole benefit and profit of the said way, the Ninth day of *J.* in the eighteenth year of the Reign of the now Queen, at *M.* aforesaid, upon the said way in a certain place there called *B. H.* in the Parish of *M.* aforesaid, erected and made up a Hedge; And him the said *T.* then an Inhabitant of the Town of *M.* aforesaid, being to use the said way with a certain Carriage of Hay of the said *T.* which he then had carried away from the said Closes, called *Ledborn Closes*, and through the said Way to his Messuage in *M.* aforesaid, then being, he was about to bring away, then, and there, he was hindred and disturbed, by which the said many Enjoyments, gains and advantages, which he with the use of the said way might have had, and benefitted, by reason of the stopping of the said way, and hindring of his said Carriage wholly lost and let pass to the damage of him the said *T.* a hundred pounds; And thereupon he bringeth his Sute, &c.

*J. J.*



**J. F.** Merchant complaineth of **E. P.** in the Custody of the Marshall, &c. for that namely that whereas the said **J. F.** the first day of *January*, in the fortieth year of the Reign of the now Queen of *England*, at *London*, that is to say, in the Parish, &c. had appointed, that divers *Wines*, *Sacks*, and other Merchandize, should be provided and bought for the said **J. F.** at the *Ile of Teneriff* in parts beyond the Seas by the Factor of the said **J. F.** there residing, and Factor of the said **J. F.** in that part should see best, to the value of five hundred pounds, to be transported from the same *Ile of Teneriff*, or any of the said *Isles* of the *Canaries*, up to *London* aforesaid, in a certain Ship called the *Francis* of *Leith*, otherwise called the *Richard Arundel* of *London*, to the use of the said **J. F.** And whereas also the said **J. F.** had very much desired to have all such *Wines*, *Sacks*, and other Merchandizes of him the said **J. F.** or any part thereof, which at the said *Ile of Teneriff*, or any of the said *Isles* of the *Canaries*, at that time were laden, or then afterwards should be laden in the said Ship, to be transported from the same *Ile* even up to *London* aforesaid, and there to be unladen, secured, and assured unto the said **J. F.** according to the Custome of Merchants. And the first day of *M.* in the fortieth year of the Reign of the said now Queen aforesaid, at *London* aforesaid, in the Parish, &c. had Communication with divers persons, for, and concerning the Assurance aforesaid, of the said **E. P.** afterwards, that is to say, the said first day of *M.* in the fortieth year of the Reign of the said now Queen aforesaid, at *L.* aforesaid, in the Parish and Ward aforesaid, for, and in Consideration that the said **J. F.** then and there upon himself assumed, and unto the said **E. P.** promised to pay unto the said **E. P.** thirty shillings of lawfull, &c. when he should be thereunto required by the said **E. P.** for the Assurance of so much *Wines*, *Sacks*, and other Merchandizes of him the said **J. F.** of whatsoever kind or nature they were, which at the *Ile of Teneriff* aforesaid, or any *Ile* of the said *Isles* of the *Canaries* at that time were laden, or then afterwards should be laden in the said Ship to *London* aforesaid by Sea to be transported in the said Ship, as much as should come to the sum of twenty five pounds, upon himself assumed, and unto the said **J. F.** then, and there, that is to say, the day and year last said at *L.* aforesaid in the Parish and Ward aforesaid, faithfully promised, that if the *Wines*, *Sacks*, or other Merchandizes of him the said **J. F.** in the said Ship then laden, or then afterwards to be laden at the *Ile of Teneriff* aforesaid, or any *Ile* of the said *Isles* of the *Canaries*, should happen to be lost or taken away by men of War, Fire, Enemies, Pirats, Jetterones, Letters of Mart, or Countermart, Arrests, Restraints, or by the detention of Kings or Princes, or other

Declaration where the Defendant in Consideration of 30. shillings promised to secure the Plaintiff of certain goods then being beyond the Seas, and to have them safely unloaded at *London*.

persons whatsoever, Barratry of the Master of the said Ship, and Mariners of the same Ship, or by any other danger, losse, or misfortune whatsoever, or howsoever happening, or coming, from the day and hour of the lading of the said Wines or Merchandizes aboard the said Ship at the Isle of *Teneriff*, aforesaid, or any Isle of the said Isles of the *Canaries*, before that the said Ship, with the said Wines, Sacks, or other Merchandizes in the same Ship to as aforesaid, being laden, or should be laden, should arrive at *London* aforesaid, and before that the same Wines or Sacks, or other Merchandizes should be at *London* aforesaid discharged, and upon land put in good Security, that then he the said *E. P.* twenty five pounds of lawfull money of *England*, unto the aforesaid, when thereunto he should be required, after such losse, or taking away, well, and truly, to pay, and, &c. And that in Case of any misfortune, it should be lawfull unto the said *I.* his servants, Factors and Assigns, to sue and labour for, in, and about the defence, safeguard and Recovery of the said Wines or Sacks, or other Merchandizes, or of any parcell thereof, without any prejudice of the said Assurance, And that at the charges thereof, the said *E.* should contribute according to the rate and quantity of the said sum so assured, and the said *I. N.* in fact saith, that after the said promise and assumption, so as aforesaid made, and before the day of the obteyning of this Bill that is to say the eighteenth day of *A.* in the fortieth year of the Reign of the said now Queen aforesaid, at the said Isle of *Teneriff*, in the Port of the said Isle thirty two Pipes of *Canary Wines*, in the whole amounting to the value of fifty pounds of lawfull, &c. of the proper goods and Chattels of him the said *I.* were laden into the said Ship in another Isle of *Teneriff* aforesaid, by Sea, in the said Ship to be transported to *London*, to the use of the said *I.* And that the said Ship afterwards, that is to say, the twentieth day of *A.* in the fortieth year aforesaid, from the Isle of *Teneriff* aforesaid, and Port of the same Isle, with the, the said thirty two of those Pipes of *Canary Wines* of the said *I.* departed laden, and was coming forward, for, and upon the Sea in his Voyage towards *London* aforesaid, with the said Wine; And further the said *I. N.* in fact saith, that after the said lading of the said thirty two Pipes of *Canary Wines* of the said *I. N.* in the said Ship in form aforesaid done, to be transported from the said Isle of *Teneriff*, up to *London* aforesaid, and after the said departing of the said Ship from the said Port of the Isle of *Teneriff* aforesaid, in his said Voyage towards *London* aforesaid, the same Ship being laden with the said thirty two Pipes of *Canary Wines* of him the said *I. N.* in sailing upon the main Sea, from the Isle of *Teneriff* aforesaid towards *London* aforesaid, that is to say, the twenty eighth day of *I.* in the fortieth year of the Reign of the said now Queen aforesaid, by the

the boisterousness of Winds, and great Tempests in the main Sea was over whelmed, and there was cast away, and the said thirty two Pipes of the Canary Wines of him the said *A.* there then, and in the main Sea were altogether lost, that the said *I. N.* afterwards, that is to say, the Tenth day of *A.* in the fortieth year aforesaid at *London* aforesaid, in the Parish, and, &c. gave Notice to the said *S.* of the said losse; Notwithstanding which the said *E.* his promise and Assumption aforesaid, nothing regarding, but imagining, and fraudulently intending the said *I. N.* of the said twenty five pounds, or any parcell thereof unto the said *I. N.* hath not as yet paid, or in any manner for the same hath satisfied, although afterwards, that is to say, such a day and year at *L.* aforesaid, in the Parish, and, &c. was required by the said *I.* to doe this, whereupon the said *I.* saith that he is the worse, and hath Damage to the value of ten pounds. And thereupon he bringeth his Sute, &c.

**J. Edward Ayseconge** Esquire complaineth of **Thomas Pelham** Esquire, late Sheriff of the said County, in the Custody of the Marshall, &c. for that, that whereas the said *E.* formerly, that is to say, in the Term of *St. Michael*, in the 28. and 29th years of the Reign of the now Queen, before *Edmond Anderson*, Knight, and his fellows then Justices of the Queens Bench at *Westminster*, in the County of *Middlesex*, by Consideration of the same Court had recovered against one *W. Howard*, late of, &c. sixty five pounds three shillings four pence, which was adjudged unto the said *E.* in the Court of the said Queens Bench for his Damages which he had by occasion of a certain Trespas upon the Case unto him by the aforesaid *W.* done, as it had been said, whereupon he was convicted upon which said Judgement the said *E.* for the more speedy obtaining of the said Damages afterwards, that is to say, the nineteenth day of *Jun* the thirtieth year of the said now Queen, sued forth out of the Court of the said Queens Bench a certain Writ of the same Queen, to satisfy against the said *W.* directed to the then Sheriffs of *London*, where his Originall Writ in the said Plea had formerly issued, by which said Writ, the said Queen had commanded them, the said then Sheriffs of *London*, that they should take the said *W.* if he should be found in their Bayliwick, and him safely to keep, so that they should have his body before the Justices of the said Queen at *Westminster* from the day of the holy Trinitie, in fifteen dayes then next following, to satisfy unto the said *E.* of the said 65. pound 3. shillings four pence, which unto the said *E.* in the same Queens Court were adjudged for his said Damage whereof he was convicted; At which day before the said *E. Anderson* and his fellows then Justices of the said Queens Bench at *Westminster* aforesaid, came the same *Edward* by his Attorney

of the County of  
Middlesex  
Sherrif

of the County of  
Middlesex  
Sherrif

**Surry.**  
Declaration  
against a Sher-  
riff, for that  
he did not ar-  
rest one in ex-  
ecution upon  
a Cap. utl. af-  
ter Judgement  
being in his  
presence.  
Enquire if the  
Plaintiff ought  
not declare,  
who aswell for  
the Queen, as  
for himself.  
A Cap. to sa-  
tisfy to the  
Sheriff of *Lon-  
don*, and that  
he was not to  
be found ret-  
thereupon for  
that that the  
Originall  
Writ there  
had issued.



Exigent to  
the Sheriffs of  
London.

Exigent re-  
turned by the  
new Sheriffs,  
which was ex-  
ecuted by the  
Sheriffs of  
London their  
Predecessors.

Outlawed.

Cap' utl. to  
the Sheriff of  
Surrey direc-  
ted.  
Speciall. Cap'  
Utl.

Attorney, and T. Skinner, and I. Cacher, then Sheriffs of London, sent to the then Justices of the said Queen at Westminster, that the said W. was not found in their Bayliwick, by which then and there, a Command was to the same then Sheriffs of London, that they should cause to be called the said W. from Husting to Husting, until according to the Law and Custom of the Kingdom of the said Q. of England, he should be Outlawed if he should not appear, and if he should appear, then they should take him, and cause safely to be kept, so that they should have his Body before the Justices of the said Queen at Westminster, afore said, on the Morrow of all Souls then next following, to satisfie unto the said Edward, of the said Damages; At which day before the afore said Justices of the said Queen, at Westminster, came the said E. by his said Attorney, and H. Offeley, and R. Salrenshall, then Sheriffs of London, then and there returned the said Writ unto them by the said T. Skinner, and I. C. late Sheriffs of London, their Predecessors in going out from their Office delivered unto them, and in form following returned, and executed, that is to say, at the Husting of a Plea of the Land held in Guild-hall of the City of London, on Monday next after the Feast of the Apostles of Peter and Paul, in the thirtieth year above said, the said W. the first time was called, and did not appear; At the Husting of a Plea of the Land held in the Guild-hall of the said City, on Monday next after the end of St. Mildred the Virgin, in the thirtieth year above said, the said W. was the second time called, and did not appear, At the Husting of a Plea of the Land held in Guild-hall of the said City, on Monday next after the end of St. James the Apostle, in the thirtieth year above said, the said W. was the third time called, and did not appear; At the Husting &c. held, &c. on Monday next after the end of St. Faiths the Virgin, in the year, &c. the said W. was the fourth time called, and did not appear; At the Husting &c. held, &c. on Monday next after the end of St. Luke the Evangelist, in the thirtieth year above said, the said W. was the fift time called, and did not appear, therefore he was Outlawed. Upon which the said E. afterwards, that is to say, in the Term of St. Hilary, in the thirty second year of the Reign of the said now Queen, he Sued forth out of the said Court of the Queens Bench afore said at Westminster, afore said, a certain Writ of the said Queen, to take the said W. (as is premised) Outlawed, directed to the Sheriff of Surrey, by which said Writ of the said Queen, unto the then said Sheriff of Surrey is commanded, that he should not omit for any Liberty of his County, but that by the Oath of honest and lawfull men of his County, he should diligently enquire what Goods and Chattels, Lands and Tenements the said W. ha in his Bayliwick, on Monday next after the end of St. Luke the Evangelist afore said, in the thirtieth year above said, or

ever



ever after that day he was Outlawed in *London*, at the Suite of the said *E.* of a Plea of Trespas upon the Case, whereupon he was convicted, as the said Sheriffs of *London* unto the Justices of the said Queen at *Westminster*, at a certain day then past had sent; And he by their Oath should cause to be extended and appraised, according to the true value of the same, and those things which by that Inquisition should be found, he should take into the hands of the said Queen, and should cause the same to be safely kept, so that out of the true value and profits thereof, he should answer unto the said Queen, and the same so extended and appraised what thereupon he should do, he should make known unto the then Justices of the said Queen, at *Westminster*, from Easter day to one Moneth next following, distinctly and plainly under his Seal, and under the Seals of them by whose Oath he should make that Extent and Appraisement; And for that the said *W.* lay Outlawed, and did run into the said County of *Surrey*, in Contempt of the said Queen, and prejudice of her the said Queens Crown; the Queen thereupon commanded the said Sheriff of *Surrey*, that he should take the said *W.* wheresoever in the Bayliwick, as well within a Liberty, as without, he should happen to find him, and cause him to be safely kept, so that he should have his body before the Justices of the said Queen, at *Westminster*, at the said Term, to do, and receive what the Court of the said Queen, of that shall consider in this behalf, and that he should have then there that Writ, And although the said *E.* after the issuing forth of the same Writ, and before the said Moneth of Easter, that is to say, the second day of *March*, in the year of the Reign of the now said Queen thirty two above said, at Southwark, in the said County of *Surrey*, in the presence of the said *W.* then being at large, and whom the said *T.* by vertue of any Writ of the said Queen, lawfully and safely might take, delivered unto the said *Thomas Pelham*, then being Sheriff of the said County of *Surrey*, that writ in form of Law to be executed, and the same *Edward* then, and there offered to pay unto the said Sheriff, the Fee due unto him for the Execution of the same Writ, and then, and there required the said Sheriff, that he should execute the said Writ, as to him by that Writ it was commanded, notwithstanding which, the said *T. P.* then, and continually afterwards untill the said Moneth of Easter, and after the said Moneth of Easter, the said Sheriff of the said County of *Surrey*, being, the Command of the said Queen little weighing, and his Office of Sherifvarty in the true and just execution of that Writ to him directed, as by the bond of his Oath he was bound, nothing regarding, cunningly imagining not onely the said Queen, of that which belongeth to the said Queen, by reason of the Outlary aforesaid, to defraud, and him the said *E.* from the obtaining of the said Damages in form

Not guilty  
pleaded.

Declaration  
upon an Af-  
sumpsit to save  
one harmless  
upon an Ob-  
ligation.

aforesaid recovered, very much to hinder, And also the Court of the said Queens Bench, in this behalf to deceive, and mock, the said *W. so* as is Premised, Outlawed, as contemning the said Queens Crown and Dignity, and the Law of her the said Queen, continually from day to day after the Receipt of the same Writ, and before the Return of the same, at large in his Bayliwick going, and there remaining, altogether refused to take and arrest, and that Writ at the aforesaid Moneth of Easter, before the Justices of the said Queens Bench had not, neither did Return, nor any thing thereupon did, but that Writ altogether concealed, to the Contempt of the said Queens Command, and manifest deceiving and mocking of the said Court, and also not to the small damage and grief of him the said *E.* and the manifest hindrance and delay of the recovery of his said Damages, to the Damage of him the said *E.* one hundred pounds, And thereupon he bringeth his Sute, &c.

*J. E. B.* complaineth of *R. C.* in the custody of the Marshall, &c. for that, to wit, that whereas the aforesaid *E.* (such a day and year) at *H.* in the County aforesaid, at the speciall instance and request of the aforesaid *R.* by his writing Obligatory bearing Date the same day and year, was bound, together with the aforesaid *R.* and for the sole Debt of the said *R.* unto one *P. B.* upon condition thereupon Indorsed, that if the aforesaid *R. C.* should pay unto the aforesaid *P. B.* at a certain day in the same Condition contained, eight pounds of lawfull, &c. that then that Writing should be void and of none effect, otherwise to remain in his strength and vertue, the aforesaid *R.* afterwards, that is to say, (in such a day and place) in Consideration aforesaid, assumed upon himself, and the aforesaid *E. B.* then and there faithfully promised, that he the said *R.* at all times then afterwards should discharge the aforesaid *E.* against the aforesaid *P.* from the aforesaid Writing Obligatory. yet nevertheless the aforesaid *R.* his promise and assumption aforesaid, not regarding, hath not hitherto discharged the aforesaid *E.* from the aforesaid Writing Obligatory, although he hath been often required by him the said *E.* to doe it, whereupon the said *E.* saith, that he is very much the worse, &c.

ACTIONS



# ACTIONS OF TRESPASS

## TRESPASS.



AND the said *T. S.* by *F. S.* his Attorney commeth and defendeth the force and injury, when, &c. And as to the coming with Force and arms, &c. not guilty, as, and as to the rest of the Trespass aforesaid above supposed to be done, the said *T.* saith, that the Action he ought not, &c. because he saith, that the house aforesaid, in the said Declaration above specified, in which it is supposed the Trespass aforesaid to be done, is, and at the foresaid time, in which, &c. was the ground and Freehold of the said *I. B.* by which the said *T.* as Servant of him the said *I.* and by his command, at the same time, in which, &c. the foresaid house, as the house and ground, and proper Freehold of him the said *I.* he did break and enter, and the said *R.* from the possession of the said House expelled and amoved, and him the said *R.* from the possession thereof by the time aforesaid withheld, and kept, as to him it was lawfull, And this, &c. whereupon, &c.

Defendant justifies, as his Servant which had the Freehold.

¶ AND the said *R. B.* saith, that he by any thing, &c. ought not to be precluded, because he saith, that the said House in which the Trespass aforesaid was done, is, and at the time in which, &c. was the ground and Freehold of him the said *R.* and not the ground and Freehold of him the said *I.* in manner and form, as the said *T.* above in pleading hath alleged, and this he prayeth may be enquired, &c.

Replication.

Defendant  
pleads to part  
property in  
himself, and  
to the residue  
that he did  
not take.

**¶** AND the said *G.* and *E.* by *J. B.* his Attorney commeth, and defendeth the force and Injury, when, &c. and prayeth Judgement of the said Writ, because, as to the taking and detention of three of the Topfai of the Tapestry, and other things, &c. of the aforesaid goods and chattells in the said Declaration above specified parcell, they the said *G.* and *E.* say that the property of the same goods and chattells, parcell, &c. at the said time of the taking aforesaid above supposed to be done, was in them the said *G.* and *E.* and not in the said *T.* in manner and form as the said *T.* himself doth now Complain, and this, &c. whereupon he prayeth, &c. and that the said Declaration, as to the taking and detaining of the said goods and chattells, parcell, may be made void, &c. and as to the residue of the goods and chattells in the said Declaration above specified, they the said *G.* and *E.* say, that they did not take those goods and chattells, residue, &c. in manner and form as the said *T.* above in his Declaring hath allged; And of this he putteth himself upon the Countrey, and the said *T.* likewise, &c.

Replication  
for other par-  
cell.

**¶** AND the said *T.* saith, that the Declaration aforesaid, as to the taking and detaining of the said goods and chattells, parcell, &c. by any matters by the said *G.* and *E.* above by pleading hath alleged, ought not to be made void, because he saith that the property of the said goods and chattells, parcell, &c. at the said time of the said Caption done, was in the said *T.* and not in them the said *G.* and *E.* in manner and form as they the said *G.* and *E.* above in pleading have alleged, And this he prayeth, &c. and the said, &c. likewise, therefore as to the Tryall of that Issue, as the aforesaid other Issues between the said parties above likewise joyned, Cometh thereupon the Jury, &c. and upon this the Plaintiff findeth Pledges to delive the goods and chattells of the Defendant, &c.

Defendant ju-  
stifieth as Te-  
nant of the  
Plaintiff by  
Copy of  
Court Roll  
of the Man-  
ner of Foxley.

**¶** AND the said Defendant by *J. S.* his Attorney commeth and defendeth the force and injury, when, &c. and as to the coming with force and arms, &c. not guilty, and as to the rest of the Trespass aforesaid above supposed to be done, the said Defendant saith, that the said Plaintiff ought not to have an action, because he saith, that the Close and house aforesaid, and also the places in which the Trespass aforesaid is supposed to be done, are, and at the time of the said Trespass above supposed to be done, were one Messuage, and two acres of Land, with th'appurtenances in Foxley aforesaid, which said Messuage, and two acres of Land, with th'appurtenances, at the time of the said Trespass, above supposed to be done, and also from the time of the Memory of man, were parcell of



of the Mannor of *Faxley*, of which said Mannor, with th'appurtenances aforelaid, which is, and at the said time, in which, &c. and also long before the said time, in which, &c. was seized in his Demesne, as of Fee, and that the same Messuage, and two acres of Land, with th'appurtenances, are, and by all the said time were, and are Customary Land, and from the whole time aforelaid, of which the Memory of men is not to the contrary, were Demised, and Demiseable by Copy of Court-Roll of the Mannor aforelaid, by the Lord of that Mannor, or his Steward of that Mannor for the time being, unto whatsoever person or persons, would be willing to take the same in Fee-simple, Fee-tail, at Term of life, or of years, at the will of the Lord, according to the Custome of the said Mannor, and the said Plaintiff, of the said Mannor, with th'appurtenances whereof, &c. as aforelaid being seized, the said Plaintiff before the time aforelaid, in which, &c. that is to say, the twelfth day, in the thirty six year of the Reign of *H. 8.* late King of *England*, at *F.* aforelaid, at the Court of that Mannor then there held at the said Mannor by one *I. W.* then his Steward there, by Copy of Court Rolls of that Mannor, granted the Tenements aforelaid, with th'appurtenances, in which, &c. the said Defendant to have to himself and his Heirs for ever, To hold of the said Plaintiff by a Rod, at the Will of the Lord of that Mannor, by the Rent and Service thereupon due, and accustomed, by virtue of which Grant, the said Defendant into those Tenements, with th'appurtenances, in which, &c. before the foresaid time, in which, &c. he entered, and was thereof seized in his Demesne, as of Fee, at the Will of the Lord of the said Mannor, according to the Custome of the said Mannor, and he the Defendant, being to thereof seized, the said Defendant, the foresaid time, in which, &c. the Close and Houle aforelaid, with th'appurtenances, in which, &c. as the proper Close and Houle of him the Defendant did break and enter, and the aforelaid Oak, in, and upon the said two acres of Land then growing, as the proper Oak of him the Defendant did cut down, and carry away, as to him it was lawfull, and this, &c. whereof, &c.

*J.* AND the said Plaintiff saith, that he ought not to be precluded, because he saith, that well and true it is, that he the said Plaintiff, is, and at the time of the said Trespass done, and long before was seized of the Mannor, with th'appurtenances, whereof, &c. in his Demesne, as of Fee, and that the aforelaid Messuage, and two acres of Land, with th'appurtenances, are, and at the foresaid time, in which, &c. and also from the time of the memory, &c. were the customary Lands, and parcell of the Mannor aforelaid, and Demised and Demiseable by the Lord of that Mannor, and by the Steward of

Plaintiff confesseth the Defendant to be his tenant by Copy of Court Roll, but saith that the same Defendant forfeited his estate to him by doing wast.

in cutting  
down an Oak  
of the age of  
ten years.

the Court of the same Mannor for the time being, to whatsoever person or persons, were willing to take the same in Fee-simple, Fee-tayl, for term of life or years, or otherwise at the Will of the Lord, according to the Custom of the said Mannor aforesaid, and that he the said Plaintiff, of the Mannor aforesaid, with th'appurtenances, whereof, &c. so being seized before the said time of the foresaid Trespas done, at his the said Court of the Plaintiff, of his said Mannor holden the said twelfth day of *October*, in the thirty fifth year abovesaid, by the aforesaid *I. W.* at that time his Steward of his Mannor aforesaid, granted the aforesaid Tenements, with th'appurtenances, unto the foresaid Defendant, to have, and to hold to the said Defendant and his Heirs by a Rod, at the Will of the Lord, according to the Custom of the said Mannor, by vertue of which said Grant, the said Defendant into the aforesaid Tenements, with th'appurtenances, entred, and was thereof seized in his Demesne, as of Fee, at the Will of the Lord, according to the Custom of the said Mannor, in manner and form as the said Defendant above in pleading hath alleged, And that the said Defendant being so thereof seized before the time of the said Trespas done, that is to say, the tenth day of *November*, in the first and second year of the Reign of the now Lord the King, and the now Lady the Queen, made waste in the said Tenements, with th'appurtenances, in felling and cutting down one Oak of the age of Ten years and more, and by Destroying the branches of the stem of the same Oak thereout growing, with his Cattell, under pretence of which, the said Plaintiff before the said time, in which the said Trespas was done, into the Tenements aforesaid, with th'appurtenances, in which, &c. entred, as into the Tenements, unto him the Plaintiff, by the said Defendant forfeited, and was thereof seized in his Demesne as of Fee, untill the said Defendant, the said first day of *October*, in the second and third year abovesaid, with force and arms, &c. the Close and House aforesaid, at *F.* aforesaid brake, and the aforesaid Oak, to the value, &c. there lately growing, cut down and carried away, against the peace of the said now King and Queen, as he above against him complaineth, and this he is ready to prove, whereof from which the said Defendant the said Trespas aforesaid above acknowledging, the said Plaintiff prayeth Judgement, and his Damages, by reason of that Trespas to be adjudged unto him, &c.

Defendant  
pleads the Cu-  
stome of the  
Mannor, to  
give the custo-  
mary Tenants  
liberty to cut  
down Tices

AND the said Defendant by Protestation not acknowledging any matters in the said Replication above to be true, for Plea saith, that within the Mannor aforesaid, it hath from the time of which the memory of men is not to the contrary, it had such a Custom, that is to say, that every Costomary Tenant of the Mannor aforesaid

aforesaid, who held any Customary Tenements within that Mannor unto him and his heirs, at the Will of the Lord of the Mannor by Copy of Court-Roll of that Mannor, according to the Custome of the same Mannor, could and might cut down whatsoever Trees and Wood growing, in, or upon the Customary Tenements, without forfeiture of such Customary Tenements unto the Lord of that Mannor for the time being, for such waste, by which the said Defendant being seized of the Tenements aforesaid, with th'appurtenances, in which, &c. in his Demesne, as of Fee, at the will of the Lord of the said Mannor, that Oak, the said first day of *October*, in the years of the Reign of the now King and Queen, the second and third above-said, then and there growing, did cut down, as to him it was lawfull, and this he is ready to prove, whereof as before he prayeth Judgement, and that the said Plaintiff from his action aforesaid against him the Defendant had, may be precluded, &c.

*ff.* AND the said Plaintiff as formerly he saith, that he the said Plaintiff is, and at the time of the said Trespais done, and long before was seized of the said Mannor, with th'appurtenances, whereof, &c. in his Demesne, as of Fee, and that the said Messuage and two acres of Land, with th'appurtenances, are, and at the time in which, &c. and also from the time, &c. were Customary Lands, and parcell of the said Mannor, and Demiseable and demised by the Lord of that Mannor, and by the Steward of the Court of the same Mannor for the time being, unto whatsoever person or persons, is, or are willing to take them in Fee-simple, Fee-tayl, for term of life or years, or otherwise, at the will of the Lord, according to the Custom of the said Mannor, And that the Plaintiff, of the said Mannor, with th'appurtenances, whereof, &c. before the said time of the said Trespais done, that is to say, at the said Court of him the Plaintiff of his said Mannor, holden the twelfth day of *October*, in the thirty fifth year above-said, by the aforesaid *J. W.* then his Steward of his said Mannor, granted the said Tenements, with th'appurtenances, unto the foresaid Defendant, to have, and to hold unto the said Defendant and his Heirs, by a rod, at the will of the Lord, according to the Custom of the said Mannor, by vertue of which said grant, the said Defendant, into the said Tenements with the appurtenances, entred, and was thereof seised in his demesne, as of Fee, at the Will of the Lord, according to the Custom of the said Mannor, in manner and form, as the said Defendant above in pleading hath alleged, and that the said Defendant so being thereof seized before the said time of the said Trespais done, that is to say, the tenth day of *November*, in the years 1. 2. above-said, he made waste in the same Tenements, with th'appurtenances, that is to say, in cutting and selling

growing upon  
their Tene-  
ments.

Plaintiff main-  
tains the Re-  
plication  
without this,  
that there is  
such a Cu-  
stom as the  
Defendant in  
his Rejoyn-  
der allegeth,  
&c.

selling down one Oak of the age of ten years and more, by destroying the branches of the stem of the same Oak thenceforth growing, with his Cartell, under pretence of which before the said time in which the said Trespass was done, into the Tenements aforesaid, with th'appurtenances, in which, &c. he entred, as into the Tenements unto him the Plaintiff by the said Defendant forfeited, and was thereof seized in his Demein, as of Fee, untill the said Defendant the said first day of *October*, in the years second and third aforesaid, with force and arms, &c. the said Close and House at *Foxley* aforesaid, did break, and the Oak aforesaid, to the value, &c. there lately growing, did cut down, and carry away, against the Peace of the said now King and Queen, as he above against him complaineth, in manner and form as he the said Plaintiff in replying hath alleged, without this, that within the said Mannor it hath, and from the time of which the Memory of men is not to the contrary it had such Custome, that is to say, that every customary Tenant of the said Mannor, who held any customary Tenements within that Mannor, to him and his heirs, at the Will of the Lord of that Mannor, by Copy of Court-Rolis of that Mannor, according to the Custome of the same Mannor, was able to, and might cut down whatsoever Trees and Woods growing in, or upon those Customary Tenements, without any forfeiture of any such Customary Tenement unto the Lord of that Mannor for the time being, for such like waste, in manner and form as the said Defendant above in rejoyning hath pleaded, and this, &c. wherefore as formerly he prayeth Judgement, and his Damages aforesaid, by reason of the said Treipais, to be adjudged unto him, &c.

*ss.* **A**ND the said Defendant as before saith, that within the said Mannor it hath, and from the time of which, &c. it had such Custome, that is to say, that every Customary Tenant of the said Mannor, which held any Customary Tenements within that Mannor, to him and his heirs, at the Will of the Lord of that Mannor, by Copy of Court-Roll of that Mannor, according to the Custome of the same Mannor, is able to, and might cut down whatsoever Trees and Wood growing in, or upon those Customary Tenements, without forfeiture of any such like Customary Tenements unto the Lord of that Mannor for the time being, for such like waste, And of this he putteth himself upon the Countrey, and the said Defendant likewise, &c.

AND



**S.** AND the said *Johane* by *W. B.* her Attorney commeth and defendeth the force and injury, when, &c. and as to the coming with force and arms, not guilty, and as to the residue of the said Trespas above supposed to be done, the said *I.* saith, that the foresaid *R.* ought not to maintain his Action, because he saith, that the said House in which the said Trespas is supposed to be done, is, and at the time of that Trespas above supposed to be done, was one Messuage, with th'appurtenances, in the Parish and Ward aforesaid, whereof long before the said time, in which, &c. one *R. Chatterton* Clerk, late Rector of the Parish Church of *St. Swithin* in Candlewick-streer, in the City of *London*, was seized in his Demesne, as of Fee, in the right of his said Church, and that the said City of *London*, is an ancient City, within which said City it hath, and from the time, &c. it had such Custom, that if, and whensoever any person being Rector of any Parish Church within the said City, being seized in his demesne, as of Fee, in the right of his Church aforesaid, of any Messuage or Tenement within the same City, to the use of the Parishioners of the Parish of which any such person should be Rector, or to the use, intention or Trust to any charitable works to be done, or done or to the use of finding any Chaplain at Divine Services in such Church, where such person to should be Rector, to doe and celebrate, and if such Rector so seized at such use should make any Demise of any such Messuage or Tenement, unto any person or persons for term of years, by his Deed indented, sealed with his Seal, by the Assent of the Wardens, of good Works, Rents and Ornaments of such Church, or of one of the Wardens of such Church for the time being, and of any other honest persons of that Church in a certain place called the Vestrey of the Church of such Parish being come together to the handling of the businesses of that Church, or the greater Number of those persons so being there assembled, that from thenceforth such Demise for Term of years so made should be, and from the whole time aforesaid, it was used to be good, valid, and of force in Law against such Rector, and his Successors, or others whosoever claiming under the title and titles of the Rector, during such Term, in such Deed of Demise specified, although such Demisor shall die, or his Rectory or Benefice thereupon resign. or her, with any other person, should grant within such Term in such Deed of Demise contained, and that long before the said time, in which, &c. and long before which the said *R. H.* had any thing in the aforesaid Messuage, with th'appurtenances, the said *R. C.* Clerk, then being Rector of the Parish Church of *St. Swithin* aforesaid, was seized of that Messuage, with th'appurtenances, in his Demesne, as of Fee, and in right of the said Church, to the use, to

Defendant justifies Trespas as Servant by virtue of a certain Demise by the Rector of the Parish Church of *St. Swithin* in *London*, according to the Custom of the City of *London*, by the assent of the Warden of the same Parish, the Deed being openly known.

Customs of *London*, that the Rector of any Church might let the land of his Church with the assent of the Wardens of that Church, and of honest persons of the Vestrey.

find a Chaplain to celebrate Divine Services in the aforesaid Church of *St. Smithins* for ever, and so thereof to that use being seized, the said *R. C.* being Rector of that Church long before the said time, in which, &c. that is to say (in such a day) in the thirty second year of the Reign of *H. 8.* at *London*, in the Parish of *St. Smithins* in the Ward of *Walbrook* aforesaid, by his certain Deed indented, one part of which is sealed with the Seal of the said *R. C.* the same *I. R.* here in Court doth profer, whole Date is the same twenty first day of *October*, in the said twenty second year of *H. 8.* aforesaid, with the Assent of *William Spink*, and *Richard Bownington* then Wardens of the good Works, Rents, and Ornaments of the said Church of *St. Smithins* being, and of the greater number of honest persons of that Parish, in a place called the Vestrey of the Church of the said Parish being assembled, to treat of the businesses of that Parish, Namely, *T. P. A. R. R. C. I. P. R. D. W. D. W. S. W. G. T. W. H. B. A. B. W. H. R. C. I. H. R. B.* and *I. S.* Demised, Granted, and to farm let unto one *John Rogers*, the aforesaid Messuage, with th'appurtenances, To have and to hold, unto the said *R.* his Executors and Assigns, from the Feast of the Nativity of our Lord Jesus Christ, from thenceforth next ensuing, untill the end and term of ten years, from thenceforth next ensuing, and fully to be compleat and ended, yielding, and paying therefore yearly during the said Term, unto the said Rector and Wardens, or to their Successors Rectors and Wardens of the said Church for the time being, or to their certain Attorney, four pounds Sterling, at the four Terms in the year, in the City of *London* usuall, by equall portions, as by that Writing here in Court shewed more fully it doth, and may appear, by vertue of which said Demise, the said *I. R.* into the said Messuage, with th'appurtenances, before the said time, in which, &c. entred, and was thereof possessed, and so thereof being possessed, the said *John* afterwards, that is to say the fifteenth day of *May*, in the sixth year of the Reign of the King that now is, at the said City of *London*, that is to say, in the Parish of *St. Smithins*, in the Ward of *Walbrook London*, made his Will, and by the same Will constituted, and appointed one *P. B.* and *N. S.* Citizens and Clothworkes of *London*, Executors of his said Will, And afterwards, and before the said time, in which, &c. there dyed, after whose death the said *P.* and *N.* as Executors of the said Testament, into the said Messuage, with th'appurtenances, entred, and was thereof possessed, and the said *R. H.* claiming the said Messuage, with th'appurtenances, by colour of a certain Charter of Demise unto him thereof made for term of his life, by the foresaid *R. C.* Rector of the said Church, before the said Demise, by the said *R. C.* thereof unto the said *I. R.* made in form aforesaid, where none of that Messuage,

Lessee for  
years, makes  
his Will and  
dyes, and his  
term commeth  
to his Ex. cu-  
tor.

Messuage, with th'appurtenances, into the possession of the said R. H. by that Charter ever passed over into that Messuage, with th'appurtenances, before the said time, in which, &c. he entred, upon the possession of which said R. H. thereupon the said T. R. afterwards that is to say, the foresaid time, in which, &c. into the said Messuage with th'appurtenances, as servant of the said P. and N. and by their Command re-entred, as to him it was lawfull to doe, And this, &c. whereof, &c.

**§. AND** the said R. Hartings saith, that he by any matters by the said I. above, &c. ought not to be precluded, because, he saith, that well and true it is, that the said R. C. Clerk, late Rector of the said Church of St. Swithin in Candlewick-street London, long before the said time of the foresaid Trespas done, he was seized of, and in the said Messuage, with th'appurtenances, in his Demesne, as of Fee, in the right of his said Church, to the use, to find a Chaplain to celebrate Divine Services in the said Church of St. Swithins for ever, and so thereof being seized to the same use, afterward, and before the said time of the foresaid Trespas done, by an Act in Parliament, of the Lord the now King, held and begun at Westminster, the fourth day of November, in the first year of his Reign, and from thence untill the twenty fourth day of December, then next following, continued, and then and there begun, it was Ordained and enacted by Authority of the same Parliament, that all manner of Colleges, free Chapels and Chantries, being, and to be had, within five yeers next before the first day of the same Parliament, which were not in actual and reall possession of the said Lord H. late King of England, the eighth, Father of the Lord the now King, neither in reall and actual possession of the same now Lord the King. Neither excepted in a certain Act in Parliament of the same Lord, the Lord the King, held at Westminster the said twenty third day of November, in the thirty seventh year of his Reign, other than such, which by Commissions of the Lord the King, in form afterwards in the said Act, made in the first year of the said Lord the now King, should be mentioned, altered, transposed, or changed; And all Mannors, Lands, Tenements, Rents, Tithes, Pensions, Portions, and other Hereditaments, and the matter mentioned in the foresaid Act made in the first year of the said Lord the now King, abovesaid, appertaining unto them, or unto any of them, and also all Mannors, Lands, Tenements, Rents, and other Hereditaments, and the other things in the said Act mentioned, by any Assurance, Will, Devise, or otherwise had, made, or acknowledged, or declared, given, assigned, limited, or appointed, to the sustentation of any Presbytery, to have continuance for ever, and with which, or by

Plaintiff saith, that the lands were appertaining to a Singing man, and by Act in the Parliament of King Edw. 6. it came to the hands of the King, and that the King gave the same lands unto one who sold them the Plaintiff, without that the said Rector Demised in manner and form, &c. Upon the Statute of the first of E. 6. for suppressing of Singing men of Colleges and free Chapels.



which any Presbyter should be susteined, maintained, or found, within five years next before the first day of the same Parliament, of him the said Lord the now King, which were not in actuall and reall possession of him the said Lord the now King, And also all annuall Rents, Profits, and Emoluments at any time within five years next before the beginning of the same Parliament of the first year above-said, detained, paid, or gathered, towards, or for the Maintenance, Supportation, and Exhibition of any Stipendary Presbytery, intended by any Act, without writing, to have continuance for ever, by Authority of any Parliament, immediatly after the Feast of Easter then next, it should be adjudged, and also it should be in true, actuall, and reall possession, and seizin of the Lord the now King, his Heirs and Successors for ever, without any Office or Inquisition thereof to be had, or found, and in as ample manner and form, as the Presbyters, Wardens, Masters, Ministers, Governours, Rectors, and other Incumbents of them, or any of them, at any time within six years next before the beginning of the said Parliament of the said Lord the now King, were had, occupied, or enjoyed, or at that time they had, occupied, and enjoyed the same, And as if all and singular the said Colleges, Free Chapells, Chaunteries, Stipendaries, Salaries of Presbyters, and the said Mannors, Lands, Tenements, and all the Premisses whatsoever, and every of them had been, or were in the same Act, specially, particularly, and certainly recited, nominated, and expressed by expresse words, names, Addition of names, Corporations, Titles, and Faculties, and in their own natures, kinds, and qualities, as by the same Act more fully appeareth; And the said R. H. saith, that the said Messuage, at the said time of the making, and finishing of the said Act of Parliament, of the said Lord the now King, and continually before, was applied, and given to the sustentation of a Chaplain in the said Church of *St. Swithins*, to celebrate Divine Service in the same Church; And further the said R. H. saith, that at the said time of making the said Act, and before, the said Messuage was not in actuall and reall possession of the said late King, Father of the Lord the now King, neither in the actuall or reall possession of the Lord the now King, neither excepted in the foresaid Act of the said late King, or by any Commission of the Lord the now King altered, otherwise disposed, neither changed, by pretence of which said Act of the said Lord the now King, the same Lord the now King, from the said Feast of Easter, in the said Act specified, was of the Messuage aforesaid, with th'appurtenances, seized in his Demesne, as of Fee, and so being thereof seized, the said Lord the now King, afterwards, and before the said time of the aforesaid Trespas done, by his Letters Patents, the Date whereof is at *Westminster* the twentie first day of *May*, in the third year of his

Reign



Reign, gave and granred, and by his the said Letters Patents confirmed unto one *I. H. B. B.* the foresaid Messuage, with th'appurtenances, among other Lands and Tenements, to have, hold, and enjoy unto them the said *I. and B.* their Heirs and Assigns for ever, by vertue of which said Grant, they the said *I. and B.* were of the said Messuage, with th'appurtenances, seized in their Demesne, as of Fee, and so thereof being seized, they the said *I. and B.* afterward, and before the said time of the foresaid Trespas done, that is to say, sixth day of *May*, in the year of the Reign of the Lord, now King, third, at *London* aforesaid, in the Parish and Ward aforesaid, they gave, and granted the said Messuage, with th'appurtenances, unto the same *R. H.* To have, hold, and enjoy the aforesaid Messuage, with th'appurtenances, unto the said *R. H.* his Heirs, and Assigns for ever, by pretence of which said Gift, and Grant, the said *R. H.* long before the said time, in which, &c. into the said Messuage, with th'appurtenances, entred, and was thereof seized in his Demesne, as of Fee, untill the said *I.* the day and year abovesaid, in the said Declaration above specified, with force and arms, &c. into the said Messuage, with th'appurtenances, broke, in manner and form, as he above, &c. against him complaineth, Without this, that the said *R. C.* Demised, Granted, and to Farm let unto the foresaid *I. R.* the said Messuage, with th'appurtenances, in manner and form as the said *I.* above in pleading hath alleged, and this, &c. VVhereupon from which the said *I.* the said Treipsals above done, acknowledged, prayeth Judgement, and his Damage by that Treipsals to be adjudged unto him, &c.

Trespas granted by Letters Patents of the King.

Without that,

And the said as *I.* before saith, that the said *Richard C.* Demised, Granted, and to farm let, unto the aforesaid *I. R.* the said Messuage, with th'appurtenances, in manner and form as she hath alleged, and of this putteth her self upon the Countrey, &c.

**J. AND** the said *G. B.* by *W. W.* his Attorney commeth and defendeth the force and Injury, when, &c. and as to the coming with force and arms, &c. and also the whole Treipsals aforesaid above supposed to be done, besides the breaking of the said Close, saith that he is not guilty, and as to the breaking of that Close, the said *G.* saith, that no Action, &c. because he saith, that the said Close, and also the place in which the said Treipsals is supposed to be done, are, and at the said time of the said Treipsals supposed to be done, were two hundred and fifty acres of Heath and Furzes, with th'appurtenances, in *W.* aforesaid, called *Waldringfield* Heath, which said two hundred and fifty acres of Heath and Furzes, lye between a certain way called the Proceffion way of *Merilesham*, dividing the said Furzes of *W.* Heath, and certain Furzes called *Marlad* Heath

Defendant justifies, that the place is parcel of the *M.* of *R.* and that he as Servant of the Lord of the Mannor broke the Close, and so justifies.

Abutals.

in part, and Land called *Ringland*, late *J. Kingbils* in part, of the Furzes called *Brightwill* Heath, and *Dapdalewey* in part upon the South, and Land called *Colecroft*, in part, and Land lying in the Town of *Martlesham*, and the Heath in *Martlesham*, and the Ditch called *Fexall* Ditch, of the North part, and one head of the said Heath called *Waldringfield* Heath, abutting upon the *terre* Tenements, appertaining to the Mannor of *Rivershall*, and *Waldringfield*, against the east, and other two hundred and fifty acres of Heath and Furzes, are, and at the said time, in which, &c. were parcell of the Mannor of *Rivershall* in *W.* aforesaid; Which said Mannor is, and at the aforesaid time, in which, &c. was the ground and Freehold of one *I.* and *M.* by which the Defendant as the Servant of them said *I.* and *M.* and by their Command, the Cloie aforesaid, as the proper Cloie and ground, and freehold of them the said *I.* and *M.* did break, as to him it was lawfull, and this, &c. whereof, &c.

Plaintiff saith, that the place, &c. is not parcell of the *M.* of *R.* but that one *I. P.* was seized, and so seized Demised two hundred acres of Land, parcell of the hundred and fifty acres in bar specifies the Plaintiff to hold unto the Plaintiff at the Will of the Lessor.

**N**OT to be precluded, because he saith, that the said Cloie, and also the places in which the said Trespas, whereupon the said *R.* himself above in manner Complaineth was done, are, and at the time of that Trespas were two hundred acres parcell of the said two hundred and fifty acres of Heath and Furzes in barre aforesaid before specified; whereupon long before the said time of the foresaid time done, one *I. P.* was seized in his Demise, as of Fee, and the said *I.* so being thereof seized, the said *I.* before the said time of the said Trespas done, that is to say (such a day and year) at *N.* in the County aforesaid, Demised the said two hundred acres of Heath and Furzes, with th'appurtenances, unto the said *R. W.* To have and to hold the said two hundred acres of Heath and Furzes, with th'appurtenances, unto the said *R.* at the will of her the said *Jane*, by vertue of the same Demise, the said *R.* into the said two hundred acres of Heath and Furzes, with th'appurtenances, before the foresaid time of the said Trespas done, entred, and was thereof possessed, untill the said *G. B.* at the time of the said Trespas done, the foresaid Cloie did break, in manner and form, as the said *R.* himself above, and in manner complaineth. Without this, that the said two hundred acres of Heath and Furzes, are, and at the time of the said Trespas done, were parcell of the Mannor of *Rivershall*, in manner and form as the said *G. B.* before in pleading hath alleged, and this, &c. Whereupon from that the said *G.* the Trespas aforesaid, before acknowledging the said *R.* prayeth Judgement, and his Damages by reason of that Trespas to be adjudged unto him.

AND

**A**ND the said *G. B.* as before saith, that the said *CC.* Acres of Heath and Furzes are, and at the said time of the said Tre pafs done were parcell of the said Mannor of *R.* in manner and form as the said *G.* above in preading hath alleged, And of this he putteth himself, &c.

**A**ND the said *Henry Crouch* by *J. Percivall* his Attorney commeth and defendeth the force and injury, when, *Defendant ju-*  
And saith that the said *T. B.* ought not to have, &c. any Action, *stifies as Lc.*  
because he saith that long before that the said *T. B.* had any thing, *see the Co-*  
in the foresaid Tenements, with the appurtenances, on *T. B.* Father, *heirs in Gavelkind, with*  
of the said *T. B.* the now Plaintiff, was seized of all the whole *the Plaintiff*  
Tenements aforesaid, as in his Demesne, as of Fee, and so thereof being *had one Fa-*  
seized took to Wife one *A. J.* and they the said *T. B.* the Father *ther per diversa*  
and *A.* had issue between them the said *T. B.* and afterward the a- *venters.*  
foresaid *A.* dyed, after whose death the said *T. B.* the Father took *M. 11. H. 8.*  
to Wife one *M. C.* which said *T.* and *M.* had issue between them *Roll. 88.*  
one *G. B.* and afterward the said *T. B.* the Father dyed (by Proce-  
station) seized of all the whole Lands aforesaid, after whose death  
the said Tenements, for that that the same Tenements are and  
were then of the tenure and nature of *Gavelkind* in the County of  
*Kent*, and that the same Tenements, and all other the Lands and  
Tenements of the same tenure and nature are, and from what time  
memory doth not remain, were parted and partable between the  
Heirs Males, and that from the whole time of which memory  
doth not remain, in the County of *Kent*, by the Custom of the  
said County it was used, that whensoever two Heirs Males were  
Copartners of the his blood, of whatsoever Parent begotten, were  
inheritable of any the Lands or Tenements of the said tenure or  
nature of *Gavelkind* in the same County: and if either of the same  
Heirs, without Heir of his body should dye of his purpartie of such  
like Hereditaments seized, That when the other Heir, Copartner  
of the same Heirs surviving inherited: and by the whole time aforesaid  
was Hereditable, and did inherit, and ought to inherit according  
to the Custom of the said County, all the purpart of the Lands  
and Tenements of the said tenure and nature of *Gavelkind* aforesaid,  
of the other Heir, so without Heir of his body dying, or any  
of the other blood of the same Heir of the whole blood, so without  
Heir of his body dying, descended to the said *Thomas B.* Son, and to  
the said *G. Bedell*, as Sons and Heirs of the said *T. B.* the Father,  
according to the aforesaid Custom, By which the said *T. B.* the Son,  
and *G. B.* into the said Tenements with the appurtenances before  
the said time in which, &c. entred, and thereof were seized in their  
Demesne



Abutals.

in part, and Land called *Ringland*, late *J. Kingbils* in part, of the Furzes called *Brighwill* Heath, and *Dapdalewey* in part upon the South, and Land called *Colecroft*, in part, and Land lying in the Town of *Martlesham*, and the Heath in *Martlesham*, and the Ditch called *Fexall* Ditch, of the North part, and one head of the said Heath called *Waldringfield* Heath, abutting upon the *terre* Tenements, appertaining to the Mannor of *Rivershall*, and *Waldringfield*, against the east, and other two hundred and fifty acres of Heath and Furzes, are, and at the said time, in which, &c. were parcell of the Mannor of *Rivershall* in *W.* aforesaid; Which said Mannor is, and at the aforesaid time, in which, &c. was the ground and Freehold of one *I.* and *M.* by which the Defendant as the Servant of them said *I.* and *M.* and by their Command, the Clofe aforesaid, as the proper Clofe and ground, and freehold of them the said *I.* and *M.* did break, as to him it was lawfull, and this, &c. whereof, &c.

Plaineif saith, that the place, &c. is not parcell of the *M.* of *R.* but that one *I. P.* was seized, and so seized Demised two hundred acres of Land, parcell of the hundred and fifty acres in bar specifies the Plaintiff to hold unto the Plaintiff at the Will of the Lessor.

Without this,

**N**OT to be precluded, because he saith, that the said Clofe, and also the places in which the said Trespas, whereupon the said *R.* himself above in manner Complaineth was done, are, and at the time of that Trespas were two hundred acres parcell of the said two hundred and fifty acres of Heath and Furzes in bar aforesaid before specified; whereupon long before the said time of the forelsaid time done, one *I. P.* was seized in his Demise, as of Fee, and the said *I.* so being thereof seized, the said *I.* before the said time of the said Trespas done, that is to say (such a day and year) at *N.* in the County aforesaid, Demised the said two hundred acres of Heath and Furzes, with th'appurtenances, unto the said *R. W.* To have and to hold the said two hundred acres of Heath and Furzes, with th'appurtenances, unto the said *R.* at the will of her the said *Jane*, by vertue of the same Demise, the said *R.* into the said two hundred acres of Heath and Furzes, with th'appurtenances, before the forelsaid time of the said Trespas done, entred, and was thereof possessed, untill the said *G. B.* at the time of the said Trespas done, the forelsaid Clofe did break, in manner and form, as the said *R.* himself above, and in manner complaineth. Without this, that the said two hundred acres of Heath and Furzes, are, and at the time of the said Trespas done, were parcell of the Mannor of *Rivershall*, in manner and form as the said *G. B.* before in pleading hath alleged, and this, &c. Whereupon from that the said *G.* the Trespas aforesaid, before acknowledging the said *R.* prayeth Judgement, and his Damages by reason of that Trespas to be adjudged unto him.

AND



**A**ND the said G. B. as before saith, that the said CC. Acres of Heath and Fuzes are, and at the said time of the said Tre pass done were parcell of the said Mannor of R. in manner and form as the said G. above in pleading hath alleged, And of this he putteth himself, &c.

**A**ND the said Henry Crouch by J. Percivall his Attorney commeth and defendeth the force and injury, when, And saith that the said T. B. ought not to have, &c. any Action, because he saith that long before that the said T. B. had any thing in the foresaid Tenements, with the appurtenances, on T. B. Father of the said T. B. the now Plaintiff, was seized of all the whole Tenements aforesaid, as in his Demesne, as of Fee, and so thereof being seized took to Wife one A. J. and they the said T. B. the Father and A. had issue between them the said T. B. and afterward the aforesaid A. dyed, after whose death the said T. B. the Father took to Wife one M. C. which said T. and M. had issue between them one G. B. and afterward the said T. B. the Father dyed (by Procreation) seized of all the whole Lands aforesaid, after whose death the said Tenements, for that, that the same Tenements are and were then of the tenure and nature of Gavelkind in the County of Kent, and that the same Tenements, and all other the Lands and Tenements of the same tenure and nature are, and from what time memory doth not remain, were parted and partable between the Heirs Males, and that from the whole time of which memory doth not remain, in the County of Kent, by the Custom of the said County it was used, that whensoever two Heirs Males were Copartners of the his blood, of whatsoever Parent begotten, were inheritable of any the Lands or Tenements of the said tenure or nature of Gavelkind in the same County, and if either of the same Heirs, without Heir of his body, should dye of his part of such like Hereditaments seized, That when the other Heir, Copartner of the same Heirs surviving inherited and by the whole time aforesaid was Hereditary, and did inherit, and ought to inherit according to the Custom of the said County, all the part of the Lands and Tenements of the said tenure and nature of Gavelkind aforesaid, of the other Heir, so without Heir of his body dying, or any of the other blood of the same Heir of the whole blood, so without Heir of his body dying, descended to the said Thomas B. Son, and to the said G. Bedell, as Son's and Heirs of the said T. B. the Father, according to the aforesaid Custom, By which the said T. B. the Son, and G. B. into the said Tenements with the appurtenances before the said time in which, &c. entred, and thereof were seized in their Demesne

Defendant justifies as Lessee the Coheirs in Gavelkind, with the Plaintiff had one Father per divers venters. Mi. 11. H. 8. Roll. 88.

Custom of the Land of the tenure of Gavelkind.

Demesn, as of Fee, And afterwards and before the same time in which, &c. the said *G. B.* at Southwark in the County of *Surry* dyed, and his said Moity or purpart seized, without Heir of his body lawfully begotten, after whose death the Moity or purpart of the said *G.* descended unto the said *T. B.* the Son, and Brother, and Heir of the ha f bloud of the said *T. B.* according to the said Custom, by which the said *T. B.* the Son, into the said other Moity or purpart of the said *G.* his Tenements aforesaid, before the said time in which, &c. entred, and was of the whole tenements seized, in his Demesn, as of Fee, and so thereof seized before the time aforesaid, in which, &c. demised the said whole Tenements unto the said *H. C.* to have to him for the rest of the years, by which the said *H. C.* of the same Tenements was possessed. And because the said *H.* at the said time in which, &c. found the aforesaid Horse eating the Grasse of him the said *H.* in the said Tenements then growing, and there then doing dammage, the said *H.* chased that Horse out of the said Tenements into the common Stray House, as it was lawfull to him to do, And this, &c. Whereupon, &c.

Acknowled-  
geth part of  
the Plea of  
the Defen-  
dant by the  
Plaintiff.

**N**OT to be prec'uded, because he saith, that true It is, that the said *T. B.* the Father was seized of the said whole Tenements, in his Demesn, as of Fee, and so thereof seized, took to Wife the aforesaid *A. S.* and they the said *T.* and *A.* had issue between them the said *T. B.* the Son, and afterward the said *A.* dyed, after whose death the said *T. B.* the Father took to Wife the said, *M. C.* and they the said *T.* and *M.* had issue between the said *G. B.* and that afterwards the said *T. B.* the Father dyed, seized of the whole Tenements, after whose death the said Tenements, for that, that the said Tenements are of the tenure and nature of *Gavelkind* in the County of *Kent*, and that the same Tenements, and all other the Lands and Tenements of the same tenure and nature, are and from the whole time of memory doth not remain, were parzed and partable between the Heirs Males, and that from all the said time of which memory doth not remain, in the said County of *Kent*, by Custom of the said County, it was used, that whensoever two Heirs Males Copartners of the half bloud, of whatsoever Parent begotten, were of any Lands or Tenements of the said tenure and nature of *Gavelkind* in the same County hereditably, and either of those Heirs without Heir of his body should dye seized of his purparty of such Inheritance, that then the other Heir Copartner of those surviving shall inherit, and by all the time aforesaid was hereditably and did inherit, and ought to inherit, according to the use and Custom of the said County, the purparty of all the Lands and Tenements of the said tenure and nature of *Gavelkind* aforesaid,

of

of the other Heir, so without Heir of his body dying, before any other bloud of the same Heir of the whole bloud, and without Heir of his body dying, descended unto the foresaid *T. B.* the Son, and *G. B.* Sons and Heir of the said *T. B.* the Father, according to the aforesaid Custom, by which the said *T. B.* the Son, and *G. B.* into the said Tenements, with the appurtenances, before the said time, in which, &c. entred, and thereof were seized, in their Demesne, as of Fee, and that, that the said *G. B.* at Southwark aforesaid dyed, and of his said Moiry or purpart seized, without Heir of his body lawfully begotten, in manner and form, as the said *H. C.* in his said Bar before hath alleged, And the said *I. B.* the now Plaintiff saith, that after the death of the said *G. B.* the Brother, the said Moiry of the said Tenements, which was of his the said *G. B.* according to the said Custom of *Gavelkind*, descended unto the said *I. B.* and unto one *R. B.* as Kin and Heirs of the whole bloud of the said *G. B.* &c. namely as Sons of *H. B.* Brother of *T. B.* Father of the said *T.* Father of the said *T. B.* the Son, and *G. B.* by which they the said *I. B.* and *R. B.* before the said time, in which, &c. into the said Moiry of the said Tenements entred, and thereof were seized, in their Demesne, as of Fee, and so thereof being seized, before the said time, in which, &c. thereof Infeoffed the said *I. M.* To have to him and his Heirs for ever, by vertue of which said Feoffement the said *I. M.* before the said time in which, &c. demised the said Moiry unto the said *I. B.* for the said Term of two years yet in being, as the same *I. B.* before hath alleged, by vertue of which said demise, the said *I. B.* of that Moiry was possessed, untill the said *I. C.* at the said time in which, &c. chased the said Horse out of the 20. Acres of Land, as the said *J. B.* before complaineth; Without this that it hath, or from the time of which memory is not, it had any such Custom in the said County of *Kent*, that whensoever two Heirs Males Coparceners of the half bloud, of whatsoever Parent begotten, should be inheritable of any Lands or Tenements of the said tenure and nature of *Gavelkind* in the said County, and either of those Heirs should dye without Heir of his body, seized of his purpart of such like Inheritance, that then the other Heir Coparcener of the same Heir surviving, might inherit, and by all the said time was inheritable, and hath inherited, and ought to inherit according to that Custom, that purpart of all the Lands and Tenements of the said tenure and nature of *Gavelkind* aforesaid, of the other Heir so without Heir of his body dying, before any other Kin of the same Heir of the whole bloud so dying without Heir of his body, as the said *H. C.* before in pleading hath alleged. And this, &c. whereupon from which the said *H. C.* the said Trespasse being acknowledged prayeth judgement,

Issue upon  
Custom.

and his damages by reason of the said Trespasse before acknowledged prayeth judgement, and his damages by occasion of that Trespasse to be adjudged unto him, &c.

And the said *H. C.* as before saith, that it hath, and from the time which memory doth not remain, it had such Custom in the said County of *Kent*, that whensoever two Heirs Males Coparceners of the half bloud, of whomsoever begotten, were inheritable of any Lands or Tenements of the said tenure and nature of *Gavelkind* in the same County, and either of those Heirs should dye without Heir of his body, seized of his purpart of such like inheritance, that then the other Heir Coparcener of the same Heir superviving, might inherit, and by all the time aforesaid was inheritable, and hath inherited, and ought to inherit, according to that Custom, the purpartie of all the Lands and Tenements of the said tenure and nature of *Gavelkind*, of the said other Heir, so without Heir of his body dying, before any other Kin of the same Heir of the whole bloud, so without Heir of his body dying, as the said *H.* before in pleading hath alleged, And of this he putteth himself upon the Country, and the said *I. B.* likewise. And because the Court of the Lady the Queen hereof, &c. issues aforesaid between the said parties before joyned, will advise, before any Writ of *Venir. fac'* to the Jury to try the issue should be adjudged, day is given to the said parties before the Lady the Queen, in what State now untill in 8. days of *St. Hillary* whensoever, &c. then to attend and hear the Order or Judgement of the said Court, of and upon the premises, for that, that the Court of the Lady the Queen, thereof, &c. At which day before the Lady the Queen, at *Westminster*, commeth the said parties by their said Attorneys, And, &c. And so it was continued by 10. Terms then next following, &c. And in this thing the inspection and view diligently, aswell the said issues, as in all and singular the premises by the Court of the Lady the Queen, of the Bench, is to be had and consulted with, for that the Tryall of the said Issue doth touch and concern the Comunality of the said County, and it is the Custom that, a Writ to call a Jury, to try that Issue, of the body of the said County of *Kent* should Issue forth, and should be directed to the Sheriff of the same County, by which the command is to the Sheriff of the same County, that he should cause to come before the Lord the King in 8. dayes of *St. Hillary* wheresoever, &c. 24. aswell Knights, &c. of the body of the said County, by whom, &c. And who neither &c. to recognize, &c. because aswell, &c. the same day is given to the said parties there, &c.

Enter the  
Court will advise before the  
*Ven' fac'* adjudged, and a  
speciall rendering of his  
Judgement thereupon, in  
which they were before  
to confer with the Justices of  
the Bench, and a Writ of  
*Ven' fac'* of the body of the  
County of *Kent* should  
be awarded.

*Ven' fac'* of  
the body of  
the County  
of *Kent* awarded.

AND



**A**ND the said *W.* saith, that the said *R. B.* the taking of the said Cattell, and Chattells, in the said place, in which, &c. ought not to acknowledge just, &c. because he saith, that he himself was seized of the said Ten acres of Land, with th'appurtenances, in his Demefin, as of Fee, and so thereof seized, the same twenty acres of Land, with th'appurtenance, held of the aforesaid *T.* late Prior of the said Church by Fealty, and Sute to the Court of him the said late Prior of his Mannor of *I.* in *C.* aforesaid, to be held from three weeks to three weeks, and by the Rent of four shillings unto the said late Prior, at the Feast of *St. Michael* th'Arch-Angell, yearly to be paid; And the said *W. M.* and all those whose estate he hath in those twenty acres of Land, held those twenty acres of Land, with th'appurtenances, of the said late Prior, and his Predecessors, heretofore Priors of the said Church, by that Service and Rent, in the right of the said Church, from time out of mind held, and by all the said time, the said late Prior, and all his Predecessors formerly Priors of the said Church, accustomed to distrain in the said twenty acres of Land, for that the same Rent of four shillings, and every parcell thereof, whensoever that Rent should happen to be behind in part, or in all; Without this, that the said *T.* the late Prior, and his Predecessors, heretofore Priors of the said Church, from the time where- in the Memory of man is not extant, in the right of that Church, were seized of the said Rent of six shillings eight pence, issuing out of the said twenty acres of Land, as of Rent-Charge, in the form which the said *R. B.* by the said Acknowledgement before hath supposed, And this, &c. whereupon he prayeth Judgement, and his Damages by occasion of the taking and deteining of the said Cattell and Chattells, to be adjudged unto him, &c.

Plaintiff saith, that he held the said twenty acres of Land of the said Prior by Fealty, Sute of Court, and the rent of four shillings, and for that rent behind the said Prior accustomed to distrain, Without this, that the Prior was seized of the Rent-charge, as, &c.

Issue upon Seisin of Rent.

And the said *R.* saith, that the said *W.* the now Prior, and his Predecessors heretofore Priors of the said Church, from the time where- of the Memory of man is not extant, in the right of that Church, were seized of the said Rent of six shillings eight pence of the said twenty acres of Land, as of a Rent-Charge, in what form the said *R.* by his said acknowledgement before suppoeth. And of this he putteth himself upon the Countrey, &c.

**A**T which eight dayes of *St. Hillary*, before the Lord the King, at *Westminster*, cometh the said parties by their said Attorneys, and the said *I. T.* being summoned at the aforesaid Eight dayes of *Saint Hillary*, caused himself to be Essoyned of the said Plea, and had thereupon day by his Essoyn, untill at this day, that is to say, from the day of Easter, in three weeks then next following, before the said King, wheresoever, &c. And now at this day, before the said King, at *Westminster*, commeth, aswell the said *R. M.* as the said *P. S.*

Entry of an Essoin, and joyning in Aid, and imparlance in Replevin. Mich. 15. H. 7. rot. 78. the like Mich. 23. H. 7. rot. 103.

Imparlan-  
ce by default,  
Plaintiff joyn-  
eth himself in  
Ayd.  
The Writ of  
Ven' Fac' is  
not put into  
the Crown.

and *I.* and *R. W.* by his said Attorney, and the said *I. T.* in the fourth day, being solemnly called by *W. F.* his Attorney, likewise commeth and joyneth himself in Ayd of the said *R. M.* to answer unto the said *P. S. J.* and *R.* together with the said *R. M.* to the said Avowment, and Acknowledgement, is granted, &c. And upon this day thereof is given to the said parties, before the said King, untill in eight dayes of the holy Trinity, wheresoever, &c. that is to say, to the aforesaid *R. M.* and *I. T.* to imparl, and then to answer, &c. And as to the trying of the said Issue before joyned, he hath not put the Writ thereof in the Crown, Therefore as often commeth the Jury thereupon before the said King, at the same Term, by whom, &c. And who neither, &c. to Recognise, &c. Because at well, &c. the same day is given to the said parties, &c.

Defendant  
pleads, that  
the Wife of  
the Plaintiff,  
whilst she  
was sole re-  
leased him.  
Hill. 13. H. 8.  
10. 32.

¶ **A**ND the said *I. F.* by *R. T.* his Attorney commeth and defendeth the force, and wrong, when, &c. and saith that the said *W.* and *A.* ought not to have an Action, &c. because he saith that the said *Anne* before the said time of the said Trespas supposed to be done, and before the Marriage between her the said *A.* and the said *W.* solemnized (that is to say) the eighteenth day of *October*, in the Ninth year of the Reign of the now King, the said *A.* delivered unto the aforesaid *I. F.* the said goods and Chattells, as the said *W.* and *A.* before have declared; And afterwards, that is to say, the twenty fifth day of *November*, in the Ninth year of the Reign of the Lord the now King aforesaid, the said *A.* whilst she was sole, by the name of *Anne Redhelke* of *L. Widow*, at *L.* that is to say, in the Parish and Ward aforesaid, by her certain Writing, which the said *I.* sealed with the Seal of her the said *A.* here in Court profered, whose Date is the said twenty fifth day of *November*, in the ninth year of the Reign of the said now King aforesaid, remised, and released unto the said *I. F.* by the name of *I. F.* Citizen and Merchant Taylor of *London*, all, and all manner of personall Actions and Demands, which she might have against him the said *I.* by whatsoever reason, from the beginning of the World, untill the day of making of the said Writing, as in that Writing more fully is contained, Without this, that the said *A.* delivered the said goods and Chattells unto the said *I. F.* the said twentieth day of *December*, in the said Ninth year of the Reign of the said now King, or at any time after the making of the said Writing of the Release, And this, &c. whereupon, &c.

Proteccion.

And they the said *W.* and *A.* say, that they by any matter, &c. ought to be precluded, because protesting that the said *A.* delivered unto the said *I. F.* the said goods and Chattells, as they the said *W.* and *A.* before against him Complaineth, for Plea saith, that the said

faid Writing of Release, is not the Deed of the faid *A.* in manner Not her Deed. and form as the faid *I. F.* before have alleged, And this he prayeth that it may be inquired of, &c.

¶ **A**ND the faid *I. O.* in his own person commeth and defendeth the force and Wrong, when, &c. And as to the coming with force and arms, or whatsoever, which is against the Peace of the Lord the now King, and also all the faid Trespafs, besides the breaking of the faid Close, and eating up, treading and consuming of the faid Grass in *N.* aforesaid, saith, that he in no manner is guilty thereof, And of this he putteth himself upon the Country, And the faid Plaintiff likewise, &c. And as to the breaking of the faid Close, and eating up, treading and consuming of the faid grass in *N.* the faid Defendant saith, that he ought not to have his Action, because he saith, that the faid Close, and also the place in which the faid Trespafs is supposed to be done in *N.* aforesaid, was, and at the faid time, in which, &c. were thirty acres of Land, with th'appurtenances in *N.* aforesaid, called *H.* whereof before the faid time, in which, &c. one *T. Chelyn* was seized in her Demesne, as of Fee, and so thereof seized, before the faid time, in which, &c. that is to say, in the Feast of St. Michael th' Archangell, in the twelfth year of the Reign of the now King, at *Feversham*, in the faid County, Demised the same Tenements, with th'appurtenances, unto the faid Defendant, to have unto the faid Defendant, from the same Feast of Saint Michael, to the end of the Term of four years from thence next following, and fully to be Completed, By vertue of which said Demise, the faid *John* was of the faid Tenements possessed, And the faid Plaintiff claimed the faid Tenements, with th'appurtenances, by Colour of a certain Deed of Demise unto him thereof made for Colour. Term of his life by the faid *Thomasine*, before the faid Demise unto the faid Defendant in form aforesaid made, where nothing of those Tenements, with th'appurtenances, in the possession of them the Plaintiffs by that Deed ever passed, into the faid Tenements, before the faid time, in which, &c. they entred, upon which said possession of the Plaintiffs, thereupon the faid Defendant into the faid Tenements, in which, &c. at the same time, in which, &c. claiming his said Term re-entred, and the faid Close in the same Tenements in *N.* did break, and the grass upon the same Tenements then growing with the faid Cattell did eat up, and tread down, as to him it was lawfull, And this, &c. Whereupon, &c.

And they the faid Plaintiffs say, that they by any matter before alleged from his said Action against him the faid Defendant had, ought not to be precluded, because they say, because that long before the faid Trespafs done, the faid *T. Chelyn* was seized of the faid

*Kent.*  
Defendant justifies the Trespafs by vertue of a Demise.  
Judgement for the Plaintiff,  
*Trin. 13. H. 7.*  
*rol' 87.*

Plaintiff allegeth a certain Conveyance unto him by the faid *T. Chelyn* made for

and in confi- thirty acres of Land in *N.* aforeſaid, and of the hundred and thirty  
deration of a acres of wood, with th'appurtenances, in *D.* and *N.* aforeſaid, cal-  
certain Mar- led the Mannor of *Sheland*, in his Demefn, as of Fee, and ſo thereof  
riage.

ſeized long before the ſaid Treſpa's done, that is to ſay, the ſixt day  
of *July*, in the Third year of the Reign of the ſaid now King, at  
*Lynſted*, in the ſaid County, between the ſaid *T. C.* and one *William*  
*Morgan*, the then Son and Heir apparent of the ſaid *Thomasine*, and  
*A. Hett*, it was agreed and covenanted, that the ſaid *W. Morgan*  
ſhould take to VVife, and marry the ſaid *A.* and the ſaid *A.* ſhould  
take to Husband the ſaid *W. Morgan*, and the ſame *Thomasine* for  
Matrimony between them to be ſolemnized then and there covenan-  
ted, and granted unto the ſaid *W. M.* and *Alice*, that they from  
the day of Matrimony between them to be ſolemnized, ſhould have  
and hold unto them and their Aſſigns for Term of their, and either of  
their life, as long as they live, the ſaid Tenements in *D.* and *N.* afore-  
ſaid, and that the ſame *Thomasine*, and all and ſingular other perſons  
which then were, or then afterward ſhould be ſeized of, and in thoſe  
Tenements, ſhould ſtand, and be thereof ſeized immediately after the  
Matrimony between the ſaid *W. M.* and *Alice* ſolemnized, to the uſe  
of them the ſaid *W. M.* and *Alice*, to the Term of their, or either  
of their life, ſo long as they live, and after the death of them the ſaid  
*W.* and *A.* to the uſe of the ſaid *T. C.* and her heirs, and that the  
ſame *Thomasine* ſhould make, or procure to be made, all and ſingular  
the ſaid Tenements to be ſecured unto the ſaid *W. M.* and *Alice*,  
according to the form of the ſaid Concord and Agreement, when ſhe  
ſhould be thereunto requèſted, And the ſaid Plaintifs ſay, that after  
the ſaid Concord and Agreement in form aforeſaid made, that is to ſay,  
the twenty ſixt day of the ſaid Moneth of *July*, in the third year a-  
foreſaid, the ſaid *Alice*, at *Hern* in the ſaid County of *Kent*, took to  
Husband the ſaid *W. M.* and he took to wife the ſaid *Alice*, & that the  
Matrimony ſolemnized, and celebrated between them, was according  
to the form and effect of the ſaid Concord and agreement, by, and after  
which ſaid Matrimony ſolemnized, and conſummed, the ſaid *Thoma-  
ſine*, was of the ſaid Tenements, with th'appurtenances, in her Demefn,  
as of Fee, ſeized to the uſe of the ſaid *W. M.* and *Alice* for the Term of  
their, and either of their life, ſo long as they live, and ſhe ſo therof be-  
ing ſeized, the ſaid *W. M.* and *A.* according to the form of the ſaid  
Concord and Agreement, the iſſues and profits of the ſaid Tenements,  
by the Sufferance of the ſaid *Thomasine*, from the ſaid 26. day of *July*,  
in the third year aforeſaid, until the 15. day of *July*, the ſaid *W. M.* at  
*Feverſham* in the ſaid County of *Kent*, dyed; and the ſaid *Alice* him  
ſurvived, by which the ſaid *Thomasine* was of the ſaid Tenements,  
with th'appurtenances, ſeized in her Demefn, as of Fee, to the uſe of  
the ſaid *Alice* for the term of her life, and ſhe the ſaid *Thomasine*  
ſo



so thereof, to that use being seized, the said *Alice* after the death of the said *W. M.* and long before the said Trespas done, into the said Tenements entred, and those Tenements, with th'appurtenances, afterwards, that is to say, in the day of the Nativity of *St. John* the Baptist, in the twelfth year aforesaid, an *Hern* aforesaid, the said Plaintiffs demised, To have to them and their Assigns, from the same day, untill the end and Term of three years from thence next following, and fully to be compleat, by vertue of which Demise, the said Plaintiffs were of the said Tenements, with th'appurtenances, possessed, untill the said Defendant at the time of the said Trespas done, the said Close did break, and the said grass in that Close then growing, with the said Cattell did eat up, tread down, and continue, in manner and form as they the said Plaintiffs by their said Bill before against him doe Complain, All and singular which matters they the said Plaintiffs are ready to prove, whereupon, from what the said Defendant, the said Trespas in *N.* aforesaid, before hath acknowledged, pray Judgement, and their said Damages, by occasion of the said Trespas to be adjudged unto them, &c.

And the said Defendant protesting that it was not consented, a- Protestation;  
greed and covenanted between the said *Thomasine*, and the said *W. M.* and *Alice*, that the said *W. M.* should take to Wife the said *A. H.* protesting also, that the said *Thomasine* for the Matrimony between the said *W. M.* and *A.* to be solemnized, did not Covenant, nor grant, to, and with the said *W. M.* and *Alice*, that they from the day of Marriage to be solemnized between them, they should have, and hold to them and their Assigns, for the Term of their, and either of their life, so long as they live, the said Tenements, nor that the same *Thomasine*, and all and singular other persons, which were, or then afterwards should be seized of, and in those Tenements, should stand, and be thereof seized, after the Matrimony between them the said *W. M.* and *A.* solemnized, to the use of them the said *W. M.* and *A.* for the Term of their, and either of their life, so long as they live, Protesting also that the said *Alice* did not Demise unto the said Plaintiffs, the said Tenements in manner and form as the said Plaintiffs in their said Replication before have alleged, for Plea, as before saith, that the said *Thomasine* was seized of the said Tenements, with th'appurtenances, in *N.* in her Demise, as of Fee, And so seized demised the same Tenements, with th'appurtenances, unto the said Defendant, To have to him from the Feast of *St. Michael* th'Archangell, untill the end of the Term of four years from thence next following, and fully to be Compleat; By vertue of which Demise the said Defendant was of those Tenements possessed, in manner and form as the said Defendant in barre before hath alleged, Without this, that the said *Thomasine* at Without this, the

## Trespas.

the time of the said Demise by the said *Alice* unto the said Plaintiffs of the said Tenements supposed to be done, was seised of the said Tenements with the appurtenances to the use of the said *Alice*, in manner and form as the said Plaintiffs before in pleading have alleged, And this, &c. whereupon he prayeth Judgement, and that the said Plaintiff from his said Action, against him the said Defendant had, may be precluded, &c.

And the said Defendants say, that the said *Thomasine* at the time of the said Demise, by the said *Alice* unto the said Plaintiffs in form aforesaid made, was seised of the said Tenements with the appurtenances to the use of the said *Alice*, in manner and form as they the said Plaintiffs before in pleading have alleged, And this they pray that it may be enquired of by the Country, &c.

*Just.*

Declaration  
in Trespas  
wherefore they  
broke the  
Close against  
two Defen-  
dants who  
plead several-  
ly.

*Parl. 32. H. 8.*

*Rot. 111.*

One of the  
Defendants  
pleads that he  
is seised of  
certain Lands,  
&c. in Fee, by  
reason of  
which hee  
ought to have  
Common in  
the place in  
which, &c.  
and that he  
put the Cat-  
tle, &c. for  
using the Co-  
mon, &c.  
which is the  
same Com-  
mon, and  
so justifies.

*Just. R. B.* late of *Levisfof* in the said Countie Yeoman, and *W. H.* late of *L. &c.* were attached to answer unto *Edward B.* together with *R. H.* late of, &c. of a Plea, wherefore with force and Arms, the Close of him the said *E.* at *G.* they did break, and his Grass to the value of 10*l.* there late growing with certain Cattle they did eat up, tread, and consume, And other Wrongs, &c. To the great Damage, &c. and against the Peace, &c.

And the said *R. B.* and *W. C.* by *R. B.* their Attorney commeth and defendeth the force and wrong, when, &c. And as to the coming with force and Arms, &c. Not guilty, and as to the residue of the said Trespas before supposed to be done, the said *R. B.* saith, that the said *E.* no Action, because he saith, that the place in which the said Trespas is supposed to be done, is, and at the said time of that Trespas supposed to be done, was a certain place called the Dens, containing in it self *D.* Acres of Land in *G.* aforesaid, extending it self from the South, from a certain place called *G.* in *L.* aforesaid, unto a certain place called *H.* in *G.* aforesaid, against the North-West, and so extending from the foot of the Rock of the Cliff untill the Sea against the East, and that he at the said time of the said Trespas supposed to be done, and long before, of 3. Messuages, and 16. Acres of Land, with the appurtenances in *L.* aforesaid, was seised in his Demesne, as of Fee, And that he and all those whose estate he hath in the said 3. Messuages and 16. Acres of Land, with the appurtenances, from the time of which, &c. had, were accustomed to have common of Pasture, of and in the said places called the Dens, within the said Bounds and Limits, with all, and all manner of his Cattle and living Creatures whatsoever, at all time of the year, by which the said *R. B.* at the said time of the said Trespas supposed to be done, his said Cattle into the said Close, in the said place called the *D.* in *G.* aforesaid, within the  
said

said Bounds and Limits, to the said Grass there then growing, to feed, in using his said Common by the time aforesaid, did put, as to him it was lawfull, which things are the same breaking of the Close, treading, consuming and eating up of the said Grass, whereof the said G. before himself doth now complain, And this, &c. Whereupon he prayeth Judgement if an Action, &c.

And the said W. C. saith, that the said E. No Action, because he saith, that the place in which the said Trespass supposed to be done is, and at the said time of that Trespass before supposed to be done, was the said place called the Dens, and that he at the time of that Trespass before supposed to be done, and long before, was likewise seised in his Demesne, as of Fee, of and in two Messuages and 2. Acres of Land, with the appurtenances, in L. aforesaid, and that he and all those whose estate he hath in the said two Messuages, and two Acres of Land, with the appurtenances, from the time of which, &c. had and were accustomed to have Common of Pasture in the said place called the Dens, within the said bounds and limits, with all and all manner of his Cattle and living Creatures whatsoever, at all time of the year, by which the said W. G. at the said time of the said Trespass supposed to be done, his said Cattle into the said Close in the said place called the Dens in G. aforesaid, within the said bounds and limits, to the said Grass there then growing to feed, in using his said Common by the said time, put, as to him it was lawfull, which matters are the same breaking of the Close, treading, consuming, and eating up of the said Grass, whereof the said E. before himself now complaineth, And this, &c. whereupon, &c.

The other Defendant saith that he likewise is seised of certain other Lands, &c. in Fee, by reason of which he hath Common of pasture in the place in which, &c. and that he put in Cattle, &c. in using the Common, &c. which is the same Trespass, &c. and so justifies.

And the said E. B. saith, that he by any matter before alleged from his said Action against the said R. B. and W. C. had, ought not to be precluded, because he saith, that the said Close, and also the place in which the said Trespass, whereof the said E. before himself now complaineth, was done, are, and at the said time of that Trespass done, were, as well the said place called the Dens in G. aforesaid, as the said other place called the East Heath, with the descending of the Cliff in G. aforesaid, whereupon from which they the said R. and W. to the said Trespass in the said place, called the East Heath, with the descending of the Cliff, before of new Assigned to be done, doe not answer, prayeth Judgement and his Damages by occasion of that Trespass to be adjudged unto him, &c. And as to the said Plea of the said R. B. before pleaded, the same E. saith, that he by any matter in the said Plea before alleged, from his said Action against the said R. had, ought not to be precluded, because he saith, that he himself at the time of the said Trespass done was seised in his Demesne, as of Fee, of, and in the

To the Plea of one of the Defendants, the Plaintiff saith, that the Trespass done was as well in the said place called the Dens as in another place called the East Heath, and because the Defendants to the Trespass in the same place called East Heath of new

assigned, doe  
not answer,  
prayeth Judg-  
ment, &c.  
New Assign-  
ment.

Without this.

The Plaintiff  
to the Plea of  
the other De-  
fendant plea-  
deth as to the  
Plea of the  
first.

Without this.

One of the  
Defendants to  
the trespass of  
the new As-  
signment  
pleaderh not  
guilty, to the  
other Plea  
maintaineth  
as before, and  
Issue upon  
that.

Mannor of *G.* in *C.* aforesaid, whereof the said place called the Dens, to the said time in which, &c. was parcell, untill the said *R.* together, &c. the day and year aforesaid in the said Declaration before specified, the Close of him the said *E.* aforesaid, at *G.* aforesaid, in the said place called the Dens, within the said bounds and limits, did break, and his Grass to the value, &c. there late growing, with his said Cattle by the time aforesaid was eaten up, trodden down and consumed, in what manner and form the same *E.* before against him complaineth; Without this, that the said *W. C.* and all those whose Estate he hath in the said three Messuages and 16. Acres of Land, in the Bar of the said *R.* before specified, from the time of the contrary of which the memory of Man doth not remain, had, and accustomed to have common of pasture, of and in the said place called the Dens in *G.* aforesaid, within the bounds and limits aforesaid, with all and all manner of his Cattle and living Creatures whatsoever, in all time of the year, as the said *R.* before in the said Bar hath alleged, And this he is ready, &c. whereupon from what the said *R.* the said Trespass in the said place called the Dens done in *G.* aforesaid, afore hath acknowledged, prayeth Judgement, and his Damages by occasion of that Trespass to be adjudged unto him, &c. And as to the said Plea of the said *W. C.* before pleaded, the said *E.* saith, that he by any matter in the same Plea before alleged, from his said Action against the said *W.* had, ought not to be precluded, because he saith that he himself at the said time of the said Trespass done was seised in his Demesne, as of Fee, of and in the said Mannor of *G.* whereof the said place called the *D.* is, and at the said time, in which, &c. was parcell, untill the said *W. C.* together with, &c. the day and year aforesaid in the said Declaration before specified, the Close of him the said *E.* aforesaid, at *G.* aforesaid, &c. as before; Without this, that the said *W. C.* and all those whose Estate he hath in the said two Messuages, and two Acres of Land, with the appurtenances, from the time, &c. as before, And this he is ready to prove, whereupon from what, &c. as before.

And the said *R. B.* as to any Trespass in the said place called the East Heath with the descending of the Cliff in *G.* aforesaid, of new Assignment made, supposed to be done, saith, that he in nothing is thereof guilty, And of this he puts himself, &c. And the said *E.* likewise, &c. And as to the said Plea of the said *E.* before in replying pleaded, the said *R.* as before saith, that he, and all those whose estate he hath in the said 3. Messuages, and 16. Acres of Land, with the appurtenances, from the time of which, &c. had and accustomed to have Common of Pasture, of and in the said place called the Dens in *G.* aforesaid, within the said bounds and limits



limits, with all, and all manner of his Cattle and living Creatures whatsoever, in all time of the year, as the said *R.* before in his said Bar hath alleged, And of this he putteth himself upon the Country, And the said *E.* likewise, &c. And the said *W. C.* as to any Trespass in the said place called the East Heath, with the descending of the Cliff in *G.* aforesaid, of new Assignment, supposed to be done, saith, that he in nothing is thereof guilty, And of this putteth himself upon the Country, and the said *E.* likewise, &c. And as to the said Plea of the said *W. C.* afore to the replying pleaded as before saith, that he, and all those whose Estate he hath in the said two Messuages, and two Acres of Pasture, with the appurtenances, from the time of which, &c. had and accustomed to have Common of Pasture, of and in the said place called the Dens in *G.* aforesaid, within the bounds and limits aforesaid, with all and all manner of his Cattle and living Creatures whatsoever, in all time of the year, as the said *W.* before in his said Bar hath alleged, And of this putteth himself upon the Country, and the said *E.* likewise, therefore as well as to the trying of that Issue as the said, &c.

*J. I. W.* complaineth of *R. W.* in the custody of the Marshall, &c. of that, that he in the Feast of St. *Margaret* the Virgin, in the 21. year of the Reign of King *Henry* the 8. with force and Arms, that is to say with Staves, &c. one Gelding of Colour black Gray of him the said *I.* of the price of 5. marks, at *W.* in the County aforesaid, found, took, and lead away, And other Wrongs, &c. to the Damage, &c. 10. marks, And thereupon he bringeth his Suit, &c.

And the said *R.* by *W. T.* his Attorney cometh and defendeth the force and wrong when, &c. And as to the coming with force, &c. or whatsoever thing &c. Not guilty, And as to the residue of the Trespass, no Action, &c. because he saith, that before the said time of the said Trespass supposed to be done, the same *R.* was of the said Horse, as of his own Horse possessed; And afterwards, and before the said time in which, &c. that is to say the 24. day of July in the 20. year of the Reign of the said now King, the said Horse, by certain Malefactors unto the said *R.* unknown, out of the possession of him the said *R.* feloniously was taken and led away, and afterward the said Horse came to the possession of him the said *I.* And because the said *R.* at the same time in which, &c. found the same Horse in the possession of him the said *I.* the same *R.* the said Horse of him the said *R.*'s own, out of the possession of him the said *I.* did take and lead away, as to him it was lawfull, And this, &c. Whereupon, &c.

*Middlef.*  
Declaration  
in trespass for  
taking and  
leading away  
of a horse.  
Hill. 22. H. 8.  
Roll 26.

Defendant  
pleads that  
before the  
time of the  
trespass, &c. he  
was possessed  
of the horse &c.  
as of his proper  
horse, and  
that certain  
Malefactors  
took the said  
horse out of  
his possession,  
and it came to  
the hands of  
the Plaintiff  
out of whose  
possession the  
Defendant  
took the horse  
as his own  
horse, and so  
justifies.

And

The Plaintiff  
saith, that one  
*I. R.* being of  
the said Horse  
possessed, at *P.*  
in the Fair  
there sold that  
Horse, that he  
paid unto the  
Bailiff of the  
Fair toll, &c.  
Protestation.

The Defen-  
dant saith,  
that *I. R.* did  
not sell unto  
the Plaintiff  
in the Fair, nor  
the Plaintiff  
paid the Tol.  
Without this.

*Ven' fac' to*  
the Sheriff of  
*Oxon.*

And the said *I.* saith, that he by any matter before alleged, &c. ought not to be precluded, &c. because protesting that the said Horse, was never the Horse of the said *R.* as the said *R.* in his said barre before hath alleged for a Plea, notwithstanding the said *I.* saith, that before the said time of the said Trespas done, the said *I. R.* was possessed of the said Horse, and so possessed in the Feast day of the Body of Christ in the 21. year of the Reign of the said now King above-said, at *Canbury* in the County of *Oxon'* in a certain Fair or Market there then held, did bargain, and sell unto the said *I. W.* the said Horse, for the sum of 31. shillings six pence of lawfull, &c. which the said *I. W.* then and there, unto the said *I. R.* paid; And further the said *I. W.* saith, that he then and there paid unto one *R. C.* the then Bailiff of the said Fair, one penny by the name of Toll for the said Horse, by which the said *W.* was of the same Horse possessed, untill the said *R. W.* the day and year in the Declaration of him the said *I. W.* before specified, at *W.* aforesaid, in the County aforesaid, the same Horse with force and arms aforesaid, did take and lead away, in manner and form as the said *I. W.* in his said Declaration before against the said *R. W.* doth Complain, And this, &c. Whereupon from what the said *R.* the said Trespas before hath acknowledged to have done, he prayeth Judgement, and his Damages, by occasion of that Trespas to be adjudged unto him, &c.

And the said *R. W.* as before saith, that before the said time of the said Trespas supposed to be done, the same *R. W.* of the said Horse, as of his own Horse was possessed, untill the same Horse by the said Malefactors, unto the said *R.* unknown, out of the possession of him the said *R.* feloniously was taken and led away, as the said *R.* in his Bar before hath alleged; Without this, that the said *I. R.* did bargain, and sell unto the said *I. W.* the said Horse in the Market or Fair aforesaid; Nor the same *I. W.* unto the aforesaid *R. C.* the then Bailiff of the said Fair, one penny in the name of Toll for the said Horse did pay, as the said *I.* in his Replication before hath alleged, And this, &c. whereupon he prayeth Judgement, and that the said *I. W.* from his said Action against him the said *R.* had, may be precluded, &c.

And the said *I. W.* saith, that the said *I. R.* did bargain, and sell unto the said *I. W.* the said Horse in the said Market, and unto the said *R. C.* the then Bailiff of the said Fair one penny by the name of Toll, for the said Horse did pay, as the same *I.* in his Replication before hath alleged, And this he prayeth, that it may be enquired of the Countrey, And the said *R.* likewise, &c. Therefore Command is to the Sheriff of *Oxon.* that he cause to come before the Lord the King at *Westminster*, the day, &c. twelve, &c. of the Vifin of *B.* in the said County of *Oxon.* by whom, &c. and who neither, &c. To Recognize,

Recognize, &c. Because aswell, &c. The same day is given to the said parties there, &c.

ff. **A**ND the said *I. M.* by *R. M.* his Attorney commeth and defendeth the force and wrong, when, &c. and as to the Comming with force and arms, &c. Not guilty; And as to the residue of the said Trespas before supposed to be done, the same *I. M.* saith, that the said *I. S.* No action, because he saith, that the said Tenements, with th'appurtenances, in the said Declaration before specified, are, and from the time whose contrary, &c. were Customary Tenements, and Lands, and parcell of the Mannor of *Harnedsworth*, with th'appurtenances, in the County aforesaid, of which said Mannor, with th'appurtenances, whereof, &c. long before the said time in which the said Trespas is supposed to be done, one *T. late Earl of Ormond* was seized, in his Demesne, as of Fee, and that the same Tenements, with th'appurtenances, are, and from all the time aforesaid were Demised, and demiseable by Copy of Court-Roll of the said Mannor, by the Steward of the said Court of that Mannor for the time being, unto any person or persons, willing to take the same in Fee-simple, Fee-tail, to Term of life or years, or otherwise at the Will of the Lord, according to the Custom of the said Mannor, and him the said Earl, of the said Mannor, with th'appurtenances, whereof &c. so as before is said being seized, the same Earl afterwards, and before the said time, in which, &c. that is to say, at the Court of him the said Earl, of his said Mannor, held at that Mannor the tenth day of *October*, in the twentieth year of the Reign of the said now King of *England*, the seventh after the Conquest, by one *W. H.* the then Steward of him the said Earl, of the said Mannor, according to the Custom of the said Mannor, Demised by Copy of Court-Roll, the said Tenements, with th'appurtenances, amongst other things, by the names of one Messuage, and a certain parcell of Land unto the aforesaid Tenement, with th'appurtenances belonging unto one *R. M.* To have, and to hold unto him and his heirs for ever, according to the Custom of the said Mannor, by virtue of which said Demise, the same *R.* was of those Tenements, with th'appurtenances, seized in his Demesne, as of Fee, according to the Custom of the said Mannor, And he the said *R.* of those Tenements, with th'appurtenances, so being seized, the same *R.* of such his Estate before the said time, in which, &c. dyed thereof seized, after the death of which said *R.* the said Tenements, with th'appurtenances, descended unto one *Mutild*, as Daughter and Heir of the said *R.* by which the same *Mutild* into the same Tenements, with th'appurtenances, entred, and was thereof seized in her Demesne, as of Fee, according to the Custom of the said Mannor, and so thereof

Staff.  
Justific in  
Trespas for  
that, that the  
Tenements in  
which, &c.  
were Customary

By names.

## Trespas.

Colour by de-  
mise by Copy  
of Court-  
Roll.

The form of  
Pleading, where  
Land is  
granted by  
Copy of  
Court-Roll  
to him and  
his.

Discent.

thereof seized, the same *Matild* before the said time, in which, &c. took to Husband the said *I. M.* by which they the said *I.* and *Matilda* were of the same Tenements, with th'appurtenances, seized, in their Demesne, as of Fee, according to the Custom of the said Mannor, in the right of the said *M.* And the said *I. S.* claiming the said Tenements, with th'appurtenances, by Colour of a certain Deed of Demise to him thereof made by the said late Earl, in his life, long before the said Demise of the said Tenements, with th'appurtenances, unto the aforesaid *R. M.* in form aforesaid made, where nothing of the said Tenements, into the possession of him the said *I. S.* by that Deed ever passed, into the said Tenements, with th'appurtenances, entred; Upon the possession of which said *I. S.* the same *I. M.* in the right of the said *M.* his Wife, afterwards, that is to say, at the same time, in which, &c. into the said Tenements, with th'appurtenances, re-entred, and the said Close and House, as the proper Close and House of them the said *I. M.* and *M.* did break, and the said Grass, as the proper Grass of the said *I. M.* and *M.* with the said Cattell, did eat up, tread, and consume, as to him it was lawfull.

And further, the same *I. M.* saith, in fact, that within the said Mannor it hath, and from the time the Contrary of which the memory, &c. it had such Custom, that is to say, that all Tenants of any Lands and Tenements within the said Mannor, having and holding the same Lands or Tenements, as of the said Mannor, by Copy of Court-Roll, by these words in the same Copies, that is to say, To have to him and his, according to the Custom of the said Mannor, they shall have an estate in the same Lands and Tenements, with th'appurtenances, in Fee-Simple, according to the Custom of the said Mannor, And this, &c. And whereupon, &c.

And the said *I. S.* saith, that he by any matter, &c. not to be precluded, because he saith, that well and true it is; that the said late Earl of *Ormond*, was seized of the said Mannor, with th'appurtenances, whereof, &c. in his Demesne, as of Fee, and so thereof dyed seized; after the death of which said Earl, the said Tenements, with th'appurtenances, descended unto the aforesaid *I. S.* as to the Coſin and Heir of the said late Earl, that is to say, as Son and Heir of *George*, as Son and Heir of *Anne*, Daughter and Heir of the said Earl, by which the said *I. S.* before the said time of the said Trespass done, into the said Mannor, with th'appurtenances, whereof, &c. entred, and was thereof seized in his Demesne, as of Fee, untill the said *I. M.* at the said time, in which, &c. into the said Tenements, with th'appurtenances, entred, and the said Close and House, then and there did break, and the said grass then and there growing, with the said Cattell, did eat up, tread and consume, in manner and form

Without this. as the said *I. S.* before, himself now Complaineth; Without this, that



that the said Tenement, with th'appurtenances, are, and from the time the contrary of which the memory of man doth not remain, were Customary Lands and Tenements, and Demised, and demiseable by Copy of Court-Roll of the said Mannor, in manner and form as the said *I. M.* before in pleading hath alleged, And this, &c. Whereupon from what the said *I. M.* of the said Trespas before acknowledgeth, prayeth Judgement, and his Damages by occasion of the said Trespas to be adjudged unto him, &c.

And the said *I. M.* as before saith, that the said Tenements, with th'appurtenances, are, and from the time the Contrary of which the memory of men doth not remain, were Customary Tenements and Lands, and Demised, and demiseable by Copy of Court-Roll of the said Mannor, in manner and form, as the said *I. M.* before in Pleading hath alleged, And of this he putteth himself upon the Countrey, And the said *I. S.* likewise, &c. Therefore, &c.

*I. I.* lately of, &c. and *B. P.* lately of, &c. were attached to answer Declaration *W. N.* of a Plea, wherefore by force and arms, him the said *W.* at in Trespas London, they took, imprisoned, and evill handled, and him there so and false imprisonment. in prison against the Law and Custome of the Realm of our Lady the Queen that now is, they long deteyned, and other harms to him they did, to the great Damage of him the said *W.* and against the Peace of our Lady the Queen, &c. And whereupon the same *W.* by *I. W.* his Attorney complaines, that the aforesaid *I.* and *B.* (such a day and year) by force and arms, that is to say, with Clubs and Knives, him the said *W.* at London, &c. they took, imprisoned, and evill handled, And him there in Prison against the Law and Custom of the Realm of our Lady the Queen that now is, they long, that is to say, for the space of thirty dayes they detained, And other harms, &c. To the great Damage, &c. And against the Peace, &c. Whereupon he saith, he is worsted, and hath Damage, to the value of 300. pounds, And thereupon he brings his Sute, &c.

To this Declaration above, the Defendants plead specially the Charter of the Universitie, and that they were Proctors, And that the Plaintiff was fined for ingrossing, and forestalling, &c. And this in the Chancellours Court in Cambridge, and so justifie the taking of him for the Fine, and to this the Plaintiff Demurs, and the Defendants joyn in Demurrer.

At which day here came aswell the aforesaid *W.* as the aforesaid *I.* and *B.* by their Attorneys aforesaid; And upon this the aforesaid Plea, of the aforesaid *I.* and *B.* above in Bar pleaded being seen, and by the Justices here fully understood, it seems to the same Justices here, that that Plea in the manner and form aforesaid pleaded, and the matter contained in the same is insufficient in the Law to debar  
The Demurrer adjudged good, and a Writ of Enquire of Damages awarded.

debar him the said *W.* from having his Action aforesaid against the aforesaid *I.* and *B.* For which the aforesaid Plaintiff ought to recover his Damages, by occasion of the Trespass aforesaid, against the aforesaid *I.* and *B.* But because it is not known to the Justices here, what Damages the aforesaid *W.* hath sustained, aswell by occasion of the Trespass aforesaid, as for his Costs and Charges by him about his Sute in that behalf layd out, &c. Command is given to the Sheriff, that by the Oath, &c. And the Inquisition which, &c. the Sheriff is to make appear here in eight dayes of *St. Hillary*, under the Seal, &c. and the Seals, &c. At which day here came the aforesaid *W.* by his Attorney aforesaid, And the Sheriffs, to wit, *Humphrey Weld*, and *Roger Clark*, now here Returned a certain Inquisition taken before them at *Guild-hall* in the Citie of *London*, situate in the Parish of *Saint Lawrence* in the *Old Jury*, in the *VVard* of *Cheap London*, the twenty sixth day of *Aprill* last past, by the oath of twelve honest men, &c. by which it remains found, that the aforesaid *W.* hath sustained Damage by occasion of the Trespass aforesaid over and above his Costs and Charges by him about his Sute in that behalf layed out, to *Fourty pounds*, and for those Costs and Charges to *twenty six shillings and 8. pence*, Therefore it is considered, that the aforesaid *W.* should recover against the aforesaid *I.* and *B.* his Damages, &c.

Declaration  
in Trespafs  
with a Continuance.

**R.** *A.* Complains of *I. H.* in the Custody of the Marshall of the Marshalsees, &c. for that that he the said *I.* the first day of *October*, in the ninth year of the Reign of our Lord King *James* that now is, by force and arms, &c. the Close of him the said *R.* called *E.* Containing by estimation three acres, lying and being in *B.* in the County aforesaid, he did break and enter, And his grasse there, to the value of five pounds there then growing, with walking up and down with his feet he did tread down and consume, And other of his grasse to the value of forty shillings there then likewise growing, to the value of forty shillings, with his Cattell, that is to say, with Horses, Oxen, Cows, Hogs, and Sheep, he did eat up, tread down, and consume; The Trespass aforesaid, as to the treading down and consuming the grasse aforesaid, walking with his feet from the aforesaid first day of *October*, in the ninth year aforesaid, unto the day of the obtaining of this Bill, to wit, the ninth day of *October*, in the ninth year aforesaid, by divers dayes and seasons continuing, And other harms to him, he then and there did, against the Peace of our said Lord the King that now is, and to the Damage of him the said *R.* of ten pounds, And thereupon he brings his Sute, &c.

And they the said *T: N: and J: by H: P: his Attorney* cometh and defendeth the Force and Wrong when &c. And as the coming with force and armes &c. not guilty &c. and as to the residue of the said Trespasse afore supposed to be done, they the same *T: and N: say* that the said *C: no action*, because he saith, that the said *Close* and also the places in which the said Trespasse is supposed to be done, are, and at the said time of that Trespasse supposed to be done, were one Messuage and halfe a yard of Land with the appurtenances in *R. aforesaid*, which said Messuage and halfe a yard of Land with the appurtenances, are, and at the said time in which &c. and also from the time of which, contrary &c. were parcell of the Mannor of *B: in the said County*, of which said Mannor with the appurtenances, one *T: W: late Prior* of the late Priory of the Blessed *M. of B: in the said County* late dissolved before the said time in which &c. was seized in Demesne as of fee, in the right of his said Priory, and that the said Tenements with the appurtenances whereof &c. are, and at the said time in which &c. and also from all the said time were demised and demisable by Copy of Court Roll of the said Mannor by the Lord of that Mannor, or by his steward of the Court of the same Mannor for the time being, unto whatsoever person or persons willing to take the same in fee simple, fee tail, for Term of life or years at the Will of the Lord according to the custome of the said mannor, and the said Prior of the said mannor with the appurtenances so seized, the said late Prior before the said time in which &c. That is to say, at the court of him the said late Prior held at the said mannor on Wednesday, in the vigils of Saint George the martyr, in the 24. year of the Reign of the late Lord Henry King of England, after the conquest the eighth, by one *T. C: Knight* then his steward of the Court of his said mannor granted the said Tenements with the appurtenances whereof &c. unto one *R: J: and the aforesaid Johanne* to have and to hold to them the said *Richard Johanne and John*, to the term of their, and either of their Lives as long as they live successively, by copy of court Roll of the said mannor at the will of the Lord according to the Custome of that mannor, by colour of which said grant, the said *R, J. and I.* were seized in the said Tenements with the appurtenances in their demesne as of free-hold at the Vill of the Lord, according to the custome of the said mannor, and they the said *R. and J.* afterwards, and before the said time in which &c. died, and the said *Johanne* them survived and held her selfe in the said Tenements with the appurtenances in her demesne as of free-hold, at the Vill of the Lord according to the custome of the said mannor by the

*Justification in trespasse, for that the tenements in which &c. were customary lands and were granted by copy of court roll unto K. Joane, and John and to either of them as long as they live, and after that R. and John dies, and afterwards the said Joane took to husband one T. now one of the Defendants, &c.*

Right of increase.

Colour by copy of court Roll.

Right of increase, and she the said *I.* so thereof being seized, the same *I.* before the said time in which *&c.* took to husband him the said *T. N.* by which they the said *T.* and *I.* were, and as yet are seized of the said Tenements with the appurtenances in their demesne as of freehold. in the Right of him the said *I.* at the will of the Lord, according to the custome of the said Mannor, And the said *C.* claiming the said Tenements by colour of the same Grant of copy of court Roll unto him thereof made for term of his life by the said late Prior long before the said Grant by the same late Prior thereof unto the said *R. I.* and *I.* in form aforesaid made, where nothing of the said Tenements with the appurtenances in the possession of the said *T.* by that grant ever passed into those Tenements with the appurtenances before the said time in which *&c.* entered upon the possession of which said *T.* thereupon they the said *T.* and *I.* afterwards, that is to say, in the same time in which *&c.* into the said Tenements with the appurtenances entered, and the said close, as the proper close of them the said *T.* and *I.* did break, and the said Grasse, as the proper grasse of the said *T.* and *I.* then and there growing, with the said Cattell did eat up, tread, and consume, and the said Ground as the proper ground of them the said *T.* and *I.* then and there with the Plough aforesaid, did rip up, and also the said underwood, as the proper underwood of them *T.* and *I.* then and there growing, did cut down and carry away as to them it was lawfull, and this *&c.* and whereupon *&c.*

Plaintiff saith, that well and true it is, that the Tenements are customary lands, &c. but saith that within the said mannor it hath been a custome, that if any customary Tenant should inhabit by one year without the Mannor, then the Lord might enter and him thereof expell.

Ought not to be precluded, because he saith, that well and true it is, that the said Tenements with the Appurtenances whereof *&c.* are, and from all the time aforesaid, were parcell of the Mannor of *Bromsefeld* aforesaid, of which said Mannor with the appurtenances, the said *T. S.* late Prior of the said late Priory of the blessed *Mary* of *B.* aforesaid, before the said time of the said Trespasse done, was seized in his Demesne as of Fee, in the Right of his said Priory, and that the said Tenements with the appurtenances in which *&c.* are, and from all the time aforesaid, were demised and demitable by the Lord of the said Mannor, or by his Steward of the court of that Mannor, for the time being by copy of Court Roll of the said Mannor unto whatsoever Person or Persons, willing to take the same in fee simple (see-rail for term of life or yeares at the Will of the Lord, according to the custome of the said Mannor, and him the said Prior so thereof being seized, the said late Prior before the said time in which *&c.* that is to say, at the court of him the said late Prior, at that mannor held the said Wednesday in the said Match of Saint George in the twenty eighth year



year of the Reign of the said now King, by the said T. C. than his Steward of his said mannor, granted the said Tenements with the Appurtenances whereof &c. unto the said R. Davys and Jb. then his wife. and to the aforesaid John Son of the same R. and J. To have and to hold to them and either of them longer living successively, at the will of the Lord, according to the custome of the said mannor: By pretence of which said Grant, the said R. J. and J. were seized of the said Tenements with the appurtenances whereof &c. in their demesne as of Freehold at the Will of the Lord according to the custome of the said Mannor, and then the said R. J. and J. so thereof being seized, the said R. and John afterwards, and before the said time in which &c. dyed, and the said Joane them survived and held her self in the said Tenements with the Appurtenances and was thereto seized in her demesne as of freehold at the Will of the Lord, according to the custome of the said Mannor by the right of increase, and thence the said J. so thereof being seized, the same J. before the said time in which &c. took to husband the said T. N. by which they the said T. and J. were seized of the said Tenements with the appurtenances in their demesne as of Freehold in the Right of him the said J. at the will of the Lord, according to the custome of the said Mannor in manner and forme as the said T. and J. before in pleading have alleadged: And further the said C. saith, that in the said mannor it hath, and from the time the contrary of which &c. it had such custome, that is to say, that if any customary Tenant or Tenant by copy of Court Roll of the same Court, doth abide or inhabit within any other Mannor without this mannor of B. by the space of one year and a day, without the license of the Lord or that Mannor, that then it shall be lawfull unto the Lord of the said mannor for the time being into all and singular his Lands and Tenements by copy of court Roll of the said mannor, in any manner whatsoever demised to re-enter, and such Tenant by occasion of the Premises, thereof wholly to expell and amove, and the same Lands and Tenements to him and his heirs to have again, re-enjoy, and re-possesse (the said custome notwithstanding.) And the said C. further saith, that before the said time in which &c. the said Mannor with the appurtenances by the Dissolution of the said late Priory came to the hands and possession of the said now King, by which the said now King was seized of the said mannor with the appurtenances whereof &c. in his demesne as of Fee in the Right of his Crown of England, and him the said King so thereof being seized, the same late King before the said time in which &c. by his Letters Patents here in court offered, whose date is at Westminster the twentieth day of January in the one and thirtieth yeare of his

*Custome that any customary Tenant doth abide without the mannor by a year and a day, then it shall be lawfull to the Lord of the mannor to seize his customary Tenants.*

Reigne for diverse causes and considerations, him the late King specially moving, and out of his certain Knowledge and meer motive, did give grant and to Farme-let unto the same C. his Executors and Assignes, the said Mannor with the Appurtenances, whereof, &c. to have and to hold unto the same C. his Executors and Assignes, from the Feast of Saint *Michaell* the Arch-angell then next following, untill the end and Term of eighty nine yeares then next following, and fully to be compleat: By vertue of which said giving, granting, and to Farm-lettings, the same *Charles* was of that Mannor with the Appurtenances, whereof, &c. amongst other things possessed. And because the said T. and J. do inhabit without the said Mannor of *B.* that is to say, at *C.* in the said County, within the Mannor of *C.* by the space of one yeare, and one day; that is to say, from the two and twentieth day of *Aprill*, in the fourth yeare of the Reigne of the said now King, untill to the foure and twentieth day of *Aprill*, in the fifth yeare of the same Reigne of the said now King, then next following, against the Custome of the said Mannor; the said C. afterward and before the said time of the said Trespasse done, into the said Tenements with the Appurtenances, in which, &c. entred: And the said T. and J. of those Tenements with the Appurtenances, in which, &c. wholly expelled and amoved, by which the said C. was thereof possessed, untill the said T. and J. at the said time in which, &c. with Force and Armes aforesaid, the Close of him the said C. in the said place, in which, &c. did breake, and his said Grasse there then growing, with the said Cartell did eat up, tread, and consume, and the said Ground there with a Plow did rip up; and also his said Wood there then growing, they did cut down and carry away, against the Peace, &c. in manner and form as the same C. before against them himsele now complaineth. And this, &c. whereupon from which the said T. and J. the said Trespasse before acknowledging, the same C. prayeth Judgment, and his said Damages, by occasion of that Trespasse unto him to be adjudged, &c.

AND they the said T. and J. say, that they the said T. and J. by the said space of one yeare, that is to say, from the said two and twentieth day of *Aprill*, in the fourth yeare of the said Reigne of the said now King above said, untill the said foure and twentieth day of *Aprill*, in the fifth yeare of the Reigne of the said now King aforesaid, did inhabit within the said Mannor of *B.* and not without in manner and form, as the said C. before in replying hath alledged; and this, &c. Whereupon as before he praieth Judgment, and that the said C. from his said Action thereupon against them had may be procluded, &c.

AND

**A**ND the said C. as before saith, that the said T. and J. by the space of one year and a day, that is to say, from the said two and twentieth day of *April*, in the fourth year of the Reigne of the said now King, untill the soure and twentieth day of *April*, in the fifth year of the Reigne of the said now King, did inhabit without the said Mannor of B. that is to say, at C. aforesaid, and within the Mannor of the said C. in manner and form as the same C. before in replying hath alledged. And this he prayeth that it may be inquired of by the Country, &c.

**W**ILLIAM Atterfale, complaineth of John Fuller and M. his wife, and VV. Parker, in the custody of the Marshall, &c. Of a Plea wherefore whereas in a Statute in Parliament, of the Lord Henry late King of England the sixth, after the Conquest at Westminster, in the eight year of his Reigne, held, established amongst other things, it should be continued, that if any person of any Lands or Tenements, with main strength be expelled and disseised, or peaceably is put out, and afterward is held out with force, or any Feoffment or discontinuance thereof, after such entry, for the Right of the Possessor, to defraud and take away in any manner is made; the party in this behalse grieved, may have against such disseisor, an Assise of new disseisin, or a writ of Trespasse; and if the party grieved by Assise, or by Action of Trespasse, shall recover, and by Verdict or in other manner, by due form of Law it shall be found, that the party Defendant in the Lands and Tenements, was by force of entry, or after his entry, should hold by force, the Plaintiff shall recover his treble Damages against the Defendant: And further shall make Fine and Redemption, as in the same Statute more fully is contained. Notwithstanding they the said J. M. and W. P. the said Statute little weighing, and the Penalty in the same little fearing, the first day of *October*, in the sixth year of the now King Edward the sixth, into two parts of one Messuage and twelve Acres of Land, with the Appurtenances of him the said VV. A. in J. in the County aforesaid, with main force, that is to say, with Swords, Staves, Clubs, Bowes, and Arrowes they entred, and the said VV. A. with main force expelled and disseised, and him so expelled and disseised, of the same two parts of the said Tenements with the Appurtenances, with the said main force withheld, and as yet doth withhold from the same, to the contempt of the said now King, and to the Damage of him the said W. A. 20 l. and against the form of the said Statute, and against the Peace of the Lord the now King: And thereupon he bringeth his Suit, &c.

Kent.  
Declaration up-  
on the Statute  
of the eighth  
year of H. 6. of  
forcible entries  
by Deeds.

AND

*Defendant iustifies, by vertue of a certain demise unto them at will by one made his own Right, he rest as his Servants peaceably and quietly entry into the Tenements &c.*

*Lease at will.*

*Colour by demise.*

*Verification of a Lease for another's life.*

**A**ND they the said *J. F. M.* and *W. P.* by *I. C.* their Attorney, come and defend the force and wrong, when, &c. all Contempts and whatsoever, &c. And say, that long before the said Entry into the said Tenements with the Appurtenances, before supposed to be done, one *I. G.* was seized of the said Tenements with the Appurtenances, in his Demesne as of Fee; and him the said *I. G.* so being thereof seized, the same *I. G.* afterward and before the said time, in which, &c. that is to say, the eighth and twentieth day of *October*, in the yeare of the Lord, 1541. at *I.* aforesaid, made his last Will, and by the same Will, that *I.* then his Wife, should have the said Tenements with the Appurtenances, to the Term of the life of her the said *J.* so that after the Decease of her the said *J.* have those Tenements with the Appurtenances, should remain unto one *J. K.* and his Heires for ever; And afterwards and before the said time, in which, &c. the said *J.* at *I.* aforesaid died, after the death of which said *J. G.* by vertue of the said last Will, the same *J.* into the Tenements with the Appurtenances entred, and was thereof seized in his Demesne as of Free-hold, and she the said *J.* so thereof being seized, the same *J.* long before the said time, in which, &c. that is to say, the twentieth day of *September*, in the sixth yeare of the Reigne of the now Lord King *Edward* the sixth, at *J.* aforesaid, demized the said Tenements with the Appurtenances, unto the said *J. F.* one of the aforesaid Defendants, to have an-to hold those Tenements with the Appurtenances, unto the said *J. F.* his Executors and Assignes, from the Feast of Saint *Michaell* the Arch-angell, from thence next following, and fully to be compleat, and so from yeare to yeare, as long as both parties should please; By vertue of which said Demise, the same *J. F.* into the said Tenements with the Appurtenances entred, and was thereof possessed; and the said *W. A.* claiming the said Tenements with the Appurtenances, by colour of which Deed of Demise unto him thereof made, by the said *J. G.* in his life, for tearme of his life, where nothing of the said Tenements with the Appurtenances, into the Possession of him the said *W. A.* by that Deed ever passed, into the said Tenements with the Appurtenances entred: Upon the Possession of which said *W. A.* thereupon the said *J. F.* in his proper Right, claiming his said Tearme, and the said *M.* and *W. P.* as Servants of him the said *J. F.* and by his command at the said time, in which, &c. into the said Tenements with the Appurtenances, peaceably and quietly now have entred, as unto them it was lawfull; without this, that they the said *J. F. M.* and *W. P.* will prove that the said *J.* have in her full life remaineth, that is to say, at *T.* in the County aforesaid



aforesaid, without this, that they the said *I. P. M.* and *W. P.* at the said time in which &c. into the said tenements with the appurtenances with Force and armes aforesaid, entred against the form of the said statute in manner and form as the said *W. A.* before against them complaineth, and this &c, whereupon they pray Judgement if an Action, &c,

**A**Nd the said *W. A.* saith, that he by any matter by the said *I. F. M.* and *W. P.* &c. not to be precluded, &c. because he saith, that long before the said time of the said entry made, one *I. H.* and *I.* his wife, and *T. C.* and *B.* his wife were of the moiety of the said Tenements with the appurtenances seized in their Demesne as of Fee, and them the said *I. H.* and *I. T. B.* and *B.* of that moiety of the said tenements with the appurtenances so being seized, they the said *I. H.* and the rest afterwards, that is to say, from the day of *Easter* in fifteen dayes in the sixth year of the Raigh of the now King, *Edward* the sixth, before *E. Mountaine C. I. H.* and *E. M.* Justices of the said Lord the King, personally came and acknowledged the moiety of the said Lands with the appurtenances by the name of the moiety of one messuage, of one Garden and fourteen acres of Land with the appurtenances in *I.* aforesaid, to be the right of him the said *W. A.* as those which the said *W. A.* had of the gift of the said *I. H.* and *I. T. B.* and *B.* and they remised and quite claimed from them the said *J. J. T.* and *B.* and the heirs of them the said *I.* and *B.* unto the said *W. A.* and his heirs for ever, by preence whereof the said *W. A.* of the moiety of the said Tenements with the appurtenances, entred, and was thereof seized in his demesne as of Fee, untill the said *I. E.* into the said tenements with the appurtenances entred, and him the said *W. A.* of the moiety of the same Tenements with the appurtenances, unjustly and without judgement, unjustly disseised, by which the same *I.* was of the moiety of those Tenements aforesaid with the appurtenances seized by disseisin, and shew the said *I.* by that disseisin so thereof being seized, the same *I.* before the said time of the said entry made, that is to say, the said twentieth day of *September*, in the sixth year of the Raigh of the said now King *Edward* the sixth, at *I.* aforesaid, demised the said Tenements with the appurtenances unto the said *I. F.* now one of the Defendants, to have and to hold unto the same *I. F.* his Executors and assignes from the said Feast of *Saint Michael the Arch-Angell*, from thence next following untill the end and term of one year from thence forth next following, and so from year to year, as long as the said both Parties should please: by virtue of which said Demise, the said *I. F.* into the said Tenements with the appurtenances, entred, and

*Traverse to the Delation upon the Statute of forcible entry that it was not with force against the form of the Statute, &c.*

*Plaintiff saith, that certaine strangers were seized &c. and so seized by fine acknowledged before the Justices of the said Lord the Kings Bench, acknowledged the Tenements to be of his the plaintiff, by pretence of which, the Plaintiff entred and was thereof seized &c. untill, &c.*

*Fine acknowledged of the moiety of a messuage &c. Conveyance of a Title by fine.*

*Avermenn, that  
2 parties and  
one moiety of  
those said lands  
are one, and not  
d. verje.*

and was thereof Possessed in manner and form as the said *I.F.M.* and *W.P.* above in Pleading have alleadged; upon the Possession of which said *I.F.* thereupon the said *W.A.* before the said time of the said Entry, made into the Moiety of the said Tenements with the appurtenances entred, and was thereof seized in his Demesne as of Fee, untill by the said *I.F.M.* and *W.P.* of the said moiety of the said Tenements, with Force and Armes, and with the said main strength in form aforesaid was disseized in manner and form, as the same *W.A.* by his said declaration before against them have declared; and this he is ready to prove, together with this, that the said moiety of the said Tenements in the said Fine contained, and the said two Parts in the said Declaration specified, in which the said Entry is supposed, are one and the same, and not others, nor divers, whereupon from which the said *I.M.* and *W.P.* the said Entry and disseisin before done, acknowledging, the same *W.A.* as well for the King as for himself, prayeth judgement and his damages by occasion of that Entry, and disseisin to be adjudged unto him, &c.

ANd they the said *I.F.M.* and *W.P.* as formerly say, that long before the said time of the said Trespasse before supposed to be done, the said *J.G.* in the said Barr before named, was seized of the said Tenements with the appurtenances in his Demesne as of Fee, and he the said *I.G.* so of those Tenements with the appurtenances being seized; the same *I.G.* before the same time in which &c. that is to say, the said twenty eighth day of *October* in the year of our Lord, one thousand five hundred forty and one, at *I.* aforesaid, made his last will, and by the same willed, that the said *I.* his Wife should have the said Tenements with the appurtenances to the term of the life of her the said *Johanne*, so that after the decease of her the said *Johane*, those Tenements with the appurtenances, should remain unto the aforesaid *I.R.* and his heirs forever, and afterwards and before the said time in which &c. the same *I.G.* at *I.* aforesaid dyed, after the death of which said *I.G.* the said *I.* into the said Tenements with the appurtenances, by virtue of the said last wil entred, and was thereof seized in his demesne as of freehold. And she the said *I.* so thereof being seized the same *I.* before the said time in which &c. that is to say, the said 20 day of *September*, in the sixth year of the Raign of the said Lord, King *Edward* the sixth above said, at *I.* aforesaid, demised the said Tenements with the appurtenances unto the aforesaid *I.* now one of the said Defendants, to have and to hold the said Tenements with the appurtenances unto the same *I.F.* and his Assignes from the Feast of Saint *Michaell* the Arch-Angell from thence forth next following

following, and fully to be compleat, and so from year to year as long as the said both parties should please, by vertue of which said Demise, the said *J. F.* into the said Tenements with the appurtenances entred, and was thereof possessed in manner and form as the said *J. F. M.* and *W. P.* before in pleading have alleadged, Without this, that the said *J. G.* disseized the said *W. A.* of the said moiety of the said tenements with the appurtenances, in manner & form as the same *W. A.* before in pleading hath alleadged, & this &c. Whereupon as before prayeth judgement, and that the said *W. A.* from his said Action against them had, may be precluded, &c.

Without this:

**A**nd the said *W. A.* as before saith, that the said *J. G.* disseized him the said *W. A.* of the said moiety of the said Tenements with the appurtenances in manner and form, as the same *W. A.* before in pleading hath alleadged, and this he prayeth may be inquired of by the country, &c.

**A**nd the said *S. R.* by *Richard Heywood* his Attorney, cometh and defendeth the force and and injury when &c. And as to the coming with force & armes &c. not guilty &c. And as to the residue of the said Trespasse before supposed to be done, the same *S.* saith, that the said *J.* no action, because he saith, that the said close and also the place in which it is supposed the said Trespasse to be done, are, and at the said time of that trespasse supposed to be done, were eight and forty acres of marsh with the appurtenances called *Platters marsh* at *Alballowes* aforesaid, whereof long before the said time of the said time before supposed to be done, one *R. W.* Citizen and Merchant Taylor of *London*, was thereof seized in his demesne as of fee, and he the said *R.* of the said Tenements with the appurtenances so being seized, the same *R.* before the same time in which &c. That is to say, the twenty fifth day of *June*, in the year of the Raign of the said *H. 8.* late King of *England*, Father of the Lord the now King 36. at *London*, that is to say, in the parish of *Saint Augustines* in the ward of *B. London*, made and declared his last will in writing, and by his said will willed amongst other things, that one *J.* the then wife of him the said *R. W.* the Executors and Assignes of the same *J.* should have and enjoy the said eight and forty acres of land with the appurtenances amongst other things, by the name of all his lands, Tenements and hereditaments, within the Hundred of *Howe* in the county of *Kent*, untill she the said *J.* should have levy and receive of the Rents Revenues, and profits, thereof issuing and increasing the full and whole summe of a hundred and eighty pound Sterling, for and to the preferment of the marriage of *L. A.* and *T:* Daugh-

*Kent.*  
Justification in  
Trespasse for  
taking of cat-  
tell in an open  
pound by vertue  
of a demise  
made by one unto  
whom it was  
granted, by will  
untill a hundred  
and eighty pound  
should be levied  
thereupon for  
the preferment  
of his Daugh-  
ters.

By the name,

ters of the said *R. W.* that is to say, unto every one of them, the summe of sixty pound Sterling. and afterwards and before the said time, in which &c. the said *R. W.* at *London* in the Parish and ward aforesaid dyed, after the death of which said *R.* and before the said time in which &c. the said *I.* into the said Tenements with the appurtenances entred and was thereof possessed, by virtue and pretence of the said last will, and she the said *J.* so thereof being possessed, the same *J.* before the said time in which, &c. that is to say, the fifth day of *March* in the second year of the Raighn of the said now King at *London* aforesaid, in the Parish and Ward aforesaid, by a certain Indenture between the said *Jane* of the one part and the aforesaid *S.* of the other part made with the seal of the same *J.* sealed, did grant, and to farm let unto the said *S.* the said Tenements with the appurtenances, to have, hold, and occupy those Tenements with the appurtenances, unto the said *S. R.* for the term of eleven years from thenceforth next following, and fully to be complet, by pretence of which said Grant and Demise, the aforesaid *S. R.* at the said time in which &c. into the said Tenements with the Appurtenances entred, and was thereof possessed: And the said *J. W.* claiming the said Tenements with the appurtenances by colour of a certain deed of Demise unto him thereof made for the Term of the rest of the years as yet during by the said *J.* long before the said Demise by the same *J.* thereof as afore is said unto the said *S.* made, where nothing of the said Tenements in the possession of him the said *John* by that deed ever passed into the said Tenements with the appurtenances, entred upon the possession of which said *John*, thereupon the said *S.* at the said time in which &c. into the said Tenements with the appurtenances claiming his Term then to come, of and in the same re-entred; and because the same *S.* then and there found the said cattell in the same place in which &c. the grasse of him the said *S.* then and there growing, eating up, and there damage doing, the said *S.* those Cattell at the said time in which &c. did take, and the same at *Alhallowes* aforesaid, in the county aforesaid, in the common and publick pound, there put and impounded, as unto him it was lawfull, with this that the said *S.* will prove, that the said *J. W.* or his Assignes not as yet had levied or received the said full and whole summe of a hundred and eighty pound Sterling, according to the form and effect of the said last will of the said *R. W.* her late Husband, and this &c. whereupon he prayeth Judgement if action, &c.

For damage doing.

Averment.

Not



**N**Or to be precluded, because he saith, that long before the said time of the said Trespasse before supposed to be done, one *A. B. R.* was seized of the moiety of those tenements with the appurtenances in his demesne as of Fee, and he the said *A. B.* of the moiety of those tenements with the appurtenances so being seized, the same *A. B.* before the said time of the said Trespasse done, that is to say, the first day of *August* in the first year of the Reign of the said now King. *Edward* the sixth, at *Alhallowes* aforesaid, demised the moiety of the said Tenements with the appurtenances unto the said *John Wood* to have and to hold the same moiety of the said Tenements with the appurtenances, unto the said *J. W.* and his Executors from the said first day of *August*, untill the end and tearm, and for the Tearm of twelve yeares from thence forth next ensuing, and fully to be compleated: by vertue of which said demise the said *J. W.* into the moiety of the said Tenements with the appurtenances entred, and was thereof possessed, untill the said *S.* him the said *J. W.* of the moiety of those Tenements with the appurtenances, thrust out, and the said *A. B.* of the same unjustly and without judgement, disseised upon the possession of which said *S.* thereupon the said *J. Wood* before the said time of the said Trespasse done, claiming his said tearm, of, and in the same, into those Tenements with the appurtenances entred, and was thereof possessed, by virtue of the said Demise untill the said *S.* afterwards, that is to say, at the said time of the said Trespasse done, the said Close did break, and the said Cattrell then and there did take, and the same in form aforesaid impounded in manner and form as the same *J. Wood*, before against him, himselfe complaineth, without this, that the said *R. S.* was seized of the said whole tenements with the appurtenances in manner and form as the said *S.* above in his said Barr hath alleadged, and this, &c. whereupon from which the same *S.* the said trespasse before acknowledging, prayeth judgement, and his damages by occasion of that trespasse to be adjudged unto him, &c.

*The Plaintiff replies, that one A. B. was seized of the moiety of the Tenements in Barr specified, who demised that unto him, without this, that the Testator was seized of the whole Tenements.*

*without this.*

**A**Nd the said *S.* as before saith, that the said *R. W.* was seized of the said whole tenements with the appurtenances in manner and form as the same *S.* before in pleading hath alleadged, and of this he putteth himself upon the Country, &c.

## Justification of Trespasse for Lands in Gavel-kinde.

Kent.  
Justification in  
Trespasse, for  
that, that the  
Tenements  
were of nature  
of Gavel-  
kind in the  
County of Kent

AND the said *G. W.* by *R. H.* his Attorney cometh and defendeth the force and wrong when, &c. and as to the coming with force and armes &c. not guilty, and as to the residue of the said Trespasse before supposed to be done, the same *G.* saith, that the said *E.* and *A.* no action, because he saith, that the said Close called *R.* otherwise *B.* doth contain, and at the said time of the said Trespasse before supposed to be done, did contain eighteen acres of land and wood with the appurtenances, of which said Tenements with the appurtenances long before the said time in which &c. one *E. W.* the Elder, Grand-Father of the said *G. W.* the now defendant, was seized in his demesne as of fee, and him the said *G. W.* the grand-father, of those Tenements with the appurtenances so being seized, the same *G. W.* the Grand-Father before the said time in which &c. died, thereof by protestation seized: after the death of which said *G. W.* the *G. F.* those Tenements with the appurtenances (for that they are of the tenure and nature of gavel-kind in the said county, and that all Lands and tenements of the same Tenure and nature in the same county from the time, the contrary of which memory &c. were parted and partable between the heirs males) did descend to *T. W.* as Son and Co-heir of the said *G.* the Grand Father, and unto the aforesaid *G.* the now Defendant and *R. W.* his Brother, and *Margery Bedell* as Kinne and Co-heir aforesaid of the said *G. W.* their Grand-Father, that is to say, unto the aforesaid *G.* the now Defendants and to the said *R.* his Brother, as Sonnes and heirs of one *R. W.* one of the Sons and Co-heirs of the said *G. W.* the elder, and unto the aforesaid *T. W.* as another of the sons and Co-heirs of the said *G.* the said *G. W.* (the now Defendants) Grand-Father, and unto the said *Margery* as the Son of *A.* another of the Sons and Co-heirs of the same *G. W.* the Grand-Father. By vertue of which, the said *G. W.* the now Defendant, and the said *R. W.* his Brother into the said Tenements with the appurtenances, before the said time in which &c. entered and were, and as yet do thereof remain, thereof seized in their demesne as of Fee, and the same Tenements with the appurtenances do hold, and at the time of the said Trespasse supposed to be done, and at the day of the filing of the said Bill, that is to say, the tenth day of *October*, in the sixth year of the Reign of the said now King held in common and undivided, with the said *Edward* and *Alice*, who the pur-party of the said *Margery*, of and in the said Tenements, do hold from the said Day of filing of the said Bill, they have

Descend.

In common and  
undivided.]

have holden for tearm of years then during from the demise of the said *Margery*, and one *John Bedell* her husband, And this &c. Whereupon he prayeth Judgment if an Action, &c.

**N**Or to be precluded, because he saith, that well and true it is that the said *G.VV.* the Grand-Father in the said Barr before named, was seized of the said Tenements with the appurtenances in his demesne as of Fee, in manner and form as the said *G.* the now *Df.* before in pleading hath alleadged, and that the same *G.VV.* the Grand-Father so thereof being seized, before the said time of the said trespas done, of the said tenements with the appurtenances, infeoffed the said *A.VV.* his Son to have the same Tenements with the appurtenances, unto the same *A.* and his heirs for ever, by vertue of which said Feoffment, the same *A.VV.* was seized of the said Tenements with the appurtenances in his Demesne as of Fee and him the said *A.* of the said Tenements with the appurtenances so being seized, the same *A.* of those Tenements with the appurtenances died seized, after the death of which said *A.* the said Tenements with the appurtenances descended unto *Margery Vallis*, Daughter and heir of the same *A.* by vertue of which, the same *M.* into the said Tenements with the appurtenances long before the said time of the said trespas done, entred, and was thereof seized in her demesne as of fee, and she the said *M.* of those Tenements with the appurtenances so being seized, the same *M.* before the said time of the said Trespas done at *C.* aforesaid, took to her husband the said *J.B.* by vertue of which they the said *J.* and *M.* were seized of those Tenements with the appurtenances in their demesne as of fee, in the right of her the said *M.* and them the said *J.* and *M.* of those tenements with the appurtenances so being seized, they the said *J.* and *M.* afterwards, and before the said time of the said trespas done, that is to say, at the Feast of Saint *Michael* the Arch-Angell in the thirty seventh year of the Raig of the Lord *Henry* the eighth late King of *England*, at *C.* aforesaid, demised the said Tenements with the Appurtenances unto one *S.S.* and unto the aforesaid *A.* now one of the Plaintiffs, the then wife of the same *S.* to have and to hold the same Tenements with the appurtenances unto the same *S.* and *A.* their Executors, and Assigns, from the same Feast of Saint *Michael* the Arch-Angel untill the End and Tearm of seven years from thence next insuing, and fully to be compleat, by vertue of which said demise, they the said *S.* and *A.* so thereof being possessed, the same *S.* before the said time in which &c. at *C.* aforesaid dyed, and the said *Allise* him survived, and held her self in, in the said Tenements with the appurtenances, and was thereof possessed by the Right of increase,

Plaintiff saith, that the said *G.VV.* the Grand-Father infeoffed one *A.* w<sup>th</sup> his Sonne which said *A.* had issue *Margery W.* and dyed, unto which said *Margery* the Tenements descended in the right of an heir and the same *Margery* tooke to husband one *J.B.* and the said *J.B.* and *M.* demised the Tenements unto *S.S.* and *A.* his wife now one of the Defendants, and afterwards the same *S.S.* dyed and the same *A.* took to husband the said *E.* now one of the plaintiffs, by vertue of which said demise, they the said *E.* entred.

and

By the Right of  
increase.

and she the said *A.* so thereof being possessed, the same *A.* before the said time, in which, &c. at *C.* aforesaid, took to her Husband the said *E. H.* by virtue of which, they the said *E.* and *A.* were possessed of the said Tenements with the Appurtenances, untill the said *G. W.* the now Defendant, at the said time of the said Trespasse done, the said Close with Force and Armes aforesaid, did breake and enter, and the said Grasse to the value, &c. with his feet walking did tread down and consume, and the said Cattell in the said Declaration before specified, then and there found, he did take and chase, in manner and form as they the said *E.* and *A.* before against him themselves now complaineth: And this, &c. whereupon from which the said *G. W.* the now Defendant, the said Trespasse before acknowledging, prayeth Judgment and his Damages, by occasion of that Trespasse to be adjudged unto him, &c.

Defendant  
maintains the  
plea, without  
this that *G. W.*  
Grand-Father,  
infeoffed the  
said *A. W.* his  
Sonne, &c.

AND the said *G. W.* the now Defendant, as before saith, that the said *G. W.* the now Defendant, was of the said Tenements with the Appurtenances seized in his Demesne as of Fee; and he the said *G. W.* the Elder, of those Tenements with the Appurtenances so being seized, the same *G. W.* the Elder, of those Tenements with the Appurtenances, died thereof by profection seized, after the death of which said *G. W.* the Elder, the said Tenements with the Appurtenances, for that, that the same Tenements are of the Tenure and Nature of Gavel-kind in the said County, and that all Lands and Tenements of the same Tenure and Nature in the same County, from the time the contrary of which, &c. were parted and partable between the Heires Males, did descend unto the said *G. W.* as Son and Heire of the said *G. W.* the Grand-father of the said *G. W.* the now Defendant, and unto the same *G.* the now Defendant, and to the said *R. W.* Brother of the same *G.* the now Defendant, and unto the aforesaid *Margery* as Kinne and Co-heire of the said *G.* their Grand-father, that is to say, unto the aforesaid *G.* the now Defendant, and *Richard* his Brother, as Sons and Heires of the said *R. W.* one of the Sons and Co-heires of the said *G. W.* the Elder, and unto the aforesaid *T.* as another Son and Co-heire of the said *G. W.* the Grand-father of the said *G.* the now Defendant, and unto the aforesaid *Margery*, as Daughter of the said *Alexander*, another of the Sons and Co-heires of the said *G. W.* the Grand-father, by virtue of which the said *G. W.* the now Defendant, and the said *R. W.* his Brother, into the said Tenements with the Appurtenances, before the said time, in which, &c. entered, and were, and as yet are thereof seized in their Demesne as of Fee



Fee, and the same Tenements with the Appurtenances do hold, and at the time of the said Trespasse before supposed to be done, and at the day of syling the said Bill, did hold, and as yet doth hold in common and undivided, with the said *Edward* and *Alice*, who the Pur-party of the said *Margery Bedell* of and in the said Tenements with the Appurtenances do hold, and at the said day of syling of the said Bill, did hold for term of yeares, from the demise of the said *I. B.* and *Margery*, in manner and form as the said *G.* the now Defendant before in pleading hath alledged; without this, that the said *G. W.* the Grand-father, infeoffed the said *A. W.* his Son, of the said Tenements with the Appurtenances, in Manner and Form as the said *E.* and *Alice* before in replying have alledged: And this, &c. whereupon as before prayeth Judgment, and that the said *E.* and *A.* from their said Action against him had, may be precluded, &c.

*without this.*

And they the said *E.* and *A.* as before saith, that the said *G. W.* the Grand-father, infeoffed the aforesaid *A. W.* his Son, of the said Tenements with the Appurtenances, in Manner and Form as they the said *E.* and *A.* before in replying have alledged; and this they pray that it may be inquired of, &c.

**A**ND the said *W. W.* by *R. C.* his Attorney, cometh and defendeth the Force and Wrong, when, &c. And as to the coming with Force and Armes, &c. not guilty: and as to the residue, &c. the same *W. W.* saith, that the said *W. S.* no Action, because he saith, that the said Close and also the place in which, &c. the said Trespasse is supposed to be done, are, and at the time of the said Trespasse before supposed to be done, were thirty six Acres of Land, with the Appurtenances in *U.* aforesaid, in a certain place there called *W.* which are, and at the said time of the said Trespasse before supposed to be done, were the Ground and Free-hold of one *R. M.* by which the same *W. W.* at the said time in which, &c. into the said Tenements with the Appurtenances, as Servant of the said *R.* and by his Command entred, and the said Close as the proper Close of him the said *R.* did breake: And the same *W. W.* found the said Colt there the Grasse of him the said *R.* upon the Ground of him the said *R.* that is to say, upon the said thirty six Acres of Land growing, eating up, and Damage there unto the said *R.* doing the same *W. W.* that Colt, for that Damage then and there, as afore it is said done, took and lead away, as unto them it was lawfull; And this, &c. whereupon, &c.

*Devon:*  
Defendant *Ju*  
stifies that the  
Tenements in  
which &c. was  
the ground of  
another man,  
and iustifies the  
Trespasse as his  
Servant doing  
damage.

Not to bee precluded, because he saith, that long before the said time, in which, &c. the said *R. M.* in the said Bar before named

named, was seized of the said Tenements with the Appurtenances, in his Demefne as of Fee, and so thereof being seized, before the said time, in which, &c. that is to say, the twelfth day of *August*, in the first yeare of the Reigne of the said now King *Edward* the sixth, at *A.* in the said County of *D.* demised the said Tenements with the Appurtenances, unto the aforesaid *W. S.* to have to him and his Assignes from the Feast of Saint *Michael* the Arch-angell, from thence next ensuing, untill the end and tearm of three yeares, from thence forth next following, and fully to be compleat; by virtue of which said Demise, the same *W. S.* into the said Tenements with the Appurtenances, before the said time, in which, &c. entred, and was thereof possessed; and he the said *W. S.* of the said Tenements with the Appurtenances so being possessed, the same *W. S.* before the said time, in which, &c. the said Colt into the said Tenements with the Appurtenances, to the Grasse there growing, as the proper Grasse of him the said *W. S.* put to feed, which said Colt was there, the Grasse there growing, feeding upon, untill the said *W. W.* at the said time, in which, &c. upon the Possession of him the said *W. S.* into the said Tenements with the Appurtenances entred, and the said Close in the said place, in which, &c. did breake, and the said Colt then and there did take and lead away, in manner and form as the same *W. S.* before against him complaineth: And this, &c. whereupon from which the said *W. W.* the said *Trespasse* in form aforesaid done, before acknowledging, prayeth Judgment and his Damages, by occasion of the said *Trespasse*, to be adjudged unto him, &c.

*Defendant*  
maintaineth  
Plea, without  
this, that the  
said stranger de-  
mised the said  
Tenements.

*Without this.*

**A**ND the said *W. W.* as before saith, that the said Tenements with the Appurtenances are, and at the said time, in which, &c. were the Ground and Free-hold of the said *R. M.* by which the same *W. W.* at the said time in which, &c. into the said Tenements with the appurtenances, as Servant of the said *R.* and by their Command entred, and the said Close as the proper Close of him the said *R.* did breake, and for that he the same *W. W.* found the said Colt, the said Grasse of the said *R.* upon the Ground of him the said *R.* that is to say, upon the said thirty six Acres of Land growing, eating up, Damage thereunto the same *R.* doing the same *W.* that Colt for that Damage, then and there as before is said done, did take and lead away, as to him it was lawfull; without this, that the said *R. M.* demised the said Tenements with the Appurtenances, unto the aforesaid *W. S.* in manner and form as the said *W. S.* before in replying hath alleadged: And this, &c. whereupon as before prayeth Judgment

ment, and that the said W. S. from his said Action, against him the said W. W. had, may be precluded, &c.

And the said W. S. as before saith, that the said R. M. demised the said Tenements with the Appurtenances, unto the said W. S. in manner and form as the said W. S. before in replying hath alleadged; and this he prayeth that it may be inquired of, &c.

AND the said S. S. by W. D. his Attorney, cometh and defendeth the force and wrong, when, &c. And as to the coming with force, &c. nor guilty, and as to the residue of the said *Trespasse* before supposed to be done, the same S. saith, that the said R. no Action, because he saith, that the said Close and also the place in which it is supposed the said Trespas before to be done, are and at the said time of the said trespas before supposed to be done, were a hundred Acres of Lands and Pasture with the Appurtenances in E. aforesaid, parcell of the Mannor of E. with the appurtenances in the County aforesaid, of which said mannor with the appurtenances long before the said time in which, &c. one G. W. Clark, late Master of the late Colledge of R. in the County of *Norffolke*, and the Fellowes of the same late Colledge were seized in their demesne as of fee, in the right of their said Colledge, and them the said late Master and fellowes of the said late Colledge of that Mannor with the appurtenances whereof &c. so thereof being seized, they the said late Master and fellowes of the said late Colledge before the said time in which &c. that is to say, the twentieth day of *December* in the year of the Raige of the Lord *Henry* the eighth, late King of *England*, 30. at R. in the said County of *Norffolke*, by their certain writing indented, with the common seal of them the late Master and fellowes, sealed, and unto the Court of the Lord the now King here shewed, whose date is the same day and year by their unanimous assent and consent did demise, and to farm let unto the aforesaid S. his heirs, Executors, and Assignes, the said mannor of E. with the appurtenances in the said county of *Suffolke*, with all arable Lands and pasture of Sheep with all their appurtenances and other commodities unto the said Mannor and premises belonging, as well within the town E. aforesaid, as within other towns unto the same adjacent, with the Lands and Pastures lying at *Dead-mans Grave*, to have and to hold the same Mannor with the appurtenances whereof &c. and other the premises unto the aforesaid S. his Executors and Assignes from the Feast of the invention of the holy Crosse last past, before

Suff. R.  
Defendant in-  
sisteth Trespasse,  
by virtue of a  
Demise made  
by a Master of a  
Colledge.

the date of the said writing indented untill the end and term of fifty years from thence forth next ensuing, and fully to be compleat; by virtue of which said demise, the said *S.* into the said mannor with the appurtenances whereof &c. before the said time in which &c. entred and was thereof possessed, and the said *R.* claiming the said mannor with the appurtenances, whereof &c. by colour of a certain deed of demise unto him thereof made for the term of his life by the said late Master and fellowes of the said late colledge long before the said demise, unto the aforesaid *S.* of that mannor with the appurtenances, whereof &c. as afore is said, made, where nothing of that Mannor with the appurtenances whereof &c. into the possession of him the said *R.* by that deed ever passed into the said Mannor with the appurtenances whereof &c. before the said time in which &c. entred upon the possession of which said *R.* thereupon the said *S.* afterwards, that is to say, at the said time in which &c. into the said Mannor with the appurtenances, whereof &c. claiming the said Term then to come, of, and in the same re-entred, and the said Close as the proper close of him the said *S.* then and there did break, and the said grasse as the proper grasse of him the said *S.* then and there growing, with his cattell did eat up, tread, and consume, as unto him it was lawfull, and this &c. whereupon &c. Judgement, if action &c.

**N**ot to be precluded, because he saith, that well and true it is, that before the said time of the said Trespas done, the said late Master and fellowes of the said late Colledge were seized of the said Mannor with the appurtenances, whereof the said hundred acres of pasture with the appurtenances, in which the said Trespas was done, are, and at the said time of the said trespas done, and also from the time, the contrary of which memory &c. were parcell in his Demesne as of fee, and so thereof seized, they the said Master and fellows before the said time of the said trespas done, and before the said demise of the said Mannor with the appurtenances whereof &c. unto the aforesaid *S.* in form aforesaid made, that is to say, the last day of *January* in the twentieth year of the Reign of the said late King, at *E.* in the said county of *N.* by their certain Deed, with the common Seal of the same late Master and fellowes Sealed, whose date is the same day and year, did demise and to farm let unto one *E.B.* and the said *S.* the said mannor with the appurtenances whereof &c. to have and to hold to the same *E.* and *S.* from the feast of the invention of the holy Crosse from thence forth next ensuing, untill to the end and Term of fifty years from thence next following, and fully to be compleat in manner and form as the said *S.* in his bar before in pleading



ding hath alleadged. And further the same *R.* saith, that by a certain Act in Parliament of the Lord *Henry* the eighth, late King of *England*, Father of the said now King, at *Westminster* in the county of *Middlesex*, the twenty eighth of *Aprill*, in the thirty first year of the Raig of him the late King began and there then held and continued untill the twenty eighth day of *June*, then next following (amongst other things, it was enacted, ordained, and established by him the late King, and the Lords spirituall, and temporall, and also the commonalty in the same Parliament then assembled, and by the authority of the same, that not only all late Monasteries, Abbeys, Priories, Monks Houses, Colledges, Hospitalls, Fryers Houses, and other Religious and Ecclesiasticall Houses and Places, Scites, Circuits, Precincts, Mannors, Demesnes, Granges, Messuages, Lands, Tenemenss, Meadows, Pastures, Reversions, Services, Woods, Tythes, Pensions, Portions, Rectories, Appropriations, Vicaridges, Chappells, Advowsons, Patronages, Annuities, Interests, Entries, Conditions, Commons, Courts Leets, Liberties, Priviledges, Franchises, and all the rest of the Hereditaments whatsoever, henceforth immediatly and then presently, but also all other Monasteries, Abbeys, Priories, Monks Houses, Colledges, Houses of Monks, Colledges, Hospitalls, Fryers houses, and other religious and Ecclesiasticall houses and Places, which from thenceforth afterwards should happen to be dissolved, suppressed, renounced, forsaken, forfeited, surrendred, or in any other manner come to the Kings most excellent Majesty, and also all Scites, Circuits, Precincts, Mannors, Demesnes, Granges, Messuages, Lands, Tenements, Mannors, Pastures, Rents, Reversions, Services, Woods, Tythes, Pensions, Portions, Rectories, Appropriations, Vicaridges, Churches, Chappells, Advowsons, Nominations, Patronages, Annuities, Rights, Interests, Conditions, Commons, Court Leets, Liberties, Priviledges, Franchises, and other Hereditaments whatsoever, belonging or appertaining unto them or any of them whensoever, & as often as they should be dissolved, suppressed, renounced forsaken, forfeited, surrendred, or by any other means should come unto the Kings Excellency, they should be vested, deemed, and adjudged, by the authority of the same Parliament, in the true actuall and reall seizin and possession of the said late King, his heirs and Successors for ever, in the State and condition, as at the making of the same act, then were, and even as all the said late Monasteries, Abbeys, Priories, Monks Houses, Colledges, Hospitalls, Fryers Houses, and all religious and Ecclesiasticall houses and places so dissolved, suppressed, renounced, forsaken, forfeited, surrendred, or come to the Kings Excellency, as it is before said, as

also the said Monasteries, Abbies, Priors, Friars Houses, and all Religious and Ecclesiasticall Houses and Places, which then afterwards should happen to be dissolved, suppressed, renounced, forfeited, surrendred, or become to the Kings Excellency, the Scites, Circuities, Precincts, Mannors, Demesnes, Granges, Lands Tenements, and the rest of the Premises whatsoever should be in the same Act, specially and particularly, recited, nominated, and expressed, by expresse Words, Names, Titles, and Faculties, in their kindes, natures, and qualities: And further it was enacted by the said Authority, that if any Abbot, Prior, Prioreffe, or other Ecclesiasticall Governor, or Governesse of any Monastery, Abbey, Prior, Monks House, Colledge, Hospitall, Friars House, or other Religious Houses, or Places, which then afterwards should happen to be dissolved, suppressed, renounced, forsaken, forfeited, surrendred, or come to the Kings Highnesse, within one yeare next before, the first day of the same Parliament, had made, or from thence afterwards should make any Demise, or Grant, under their Conventuall or common Seale, or otherwise for tearm of yeares, or life, or lives of the Scite, Circuit, and Precinct of their aforesaid Monastery, Abbey, Priory, House of Monks, Colledge, Hospitall, House of Friars, or other Religious or Ecclesiasticall House or Place, or of any part of them, or of any Mannors, Messuages, Lands, Tenements, Rectories, appropriate Tithes, Pensions, Portions, or other Hereditaments, belonging or pertaining to their aforesaid late Monastery, Abbey, Priory, House of Monks, Colledge, Hospitall, House of Friars, or Religious or Ecclesiasticall House, or Place: Which Mannors, Messuages, Granges, Lands, Tenements, Rectories, appropriate Tithes, Pensions, Portions, and other Hereditaments whatsoever had not been before the same Demise commonly used to be let nor set to Farm, but kept and reserved in the manurate, Tillage, or Occupation of the aforesaid Governor, or Governesse, for Maintenance of Hospitality, and good House keeping, or within one yeare next before the first day of the same Parliament, had made, or afterwards should make any Demise or Grant, for tearm of life, or for tearm of yeares, of any Mannors, Messuages, Lands, Tenements, Meadows, Pastures, Woods, Rectories, appropriate Tithes, Pensions, Portions, Churches, Chappels, or other Hereditaments whatsoever, whereof, and in which the State, or Interest, for tearm of life, yeare, or yeares, at the time of the making any such Grant, or Demise, then had, there being, or continuance, or after that time should have their being, or continuance, and then were not determined, ended, or expired, or within one yeare next before the first day of the aforesaid Parliament,

liament, had made, or afterwards should make any Demise or Grant, for term of life, or for term of yeares, of any Mannors, Messuages, Lands, Tenements, Meadows, Pastures, Woods, Rectories, appropriate Tithes, Pensions, Portions, Churches, Chappels, or other Hereditaments whatsoever; upon which Demises and Grants, the usuall and old Rents and Formes, accustomed to be rendred and reserved, by the space of twenty yeares, next before the aforesaid first day of the same Parliament, were nor, or should not be; or afterwards had not been thereupon reserved and rendred; or if any such Governor, or Governesse, of any such Monastery, Abbey, Priory, House of Monks, Colledge, Hospitall, House of Friers, or other Religious or Ecclesiasticall House, or Place, which from that time should happen to be dissolved, suppressed, renounced, lost, forfeited, surrendered, or come to the Kings Highnesse, within one yeare, next before the aforesaid first day of the aforesaid Parliament, had made, or afterwards should make any Bargain, or Sale of their Woods, which Woods were then growing, or standing; that then all and every such Demise, Grant, Bargain, and Sale of Wood, or Woods, should be altogether void and of none Effect, as in the same Act amongst other things more fully appeares. And further the same R. saies, that the aforesaid late Master, and the then Brotherhood of the Mannor aforesaid with the Appurtenances, whereof, &c. in form aforesaid being seized, before the said time wherein, &c. to wit, the sixth day of the Month of *December*, in the three and thirtieth yeare of the aforesaid late King *Henry* the eighth, at the Colledge aforesaid, by their certain Writing, with the common Seale of them the said late Master and then Brotherhood sealed: And in the Court of Chancery, of him the said late King at *Westminster*, in the Countie of *Middlesex*, inrolled of Record, whose Date is in the Chapter House of them the said late Master, and then Brotherhood there the same day and yeare, w<sup>th</sup> their unanimous Assent and Consent, and Deliverance of Mind, certain knowledge and meer motion, for certain just and reasonable causes, them the said late Master and then Brotherhood, conscientiously moving their Soules, voluntarily and of their own accord, they gave and granted, and by that Writing did give, grant, render, deliver, and confirm, to the aforesaid late King *Henry* the eighth, their whole Colledge with their Appurtenances, and the aforesaid Mannor of *E.* and other the Premisses with the Appurtenances, whereof, &c. and the Reversion and Reversions of the same Mannor amongst other things to have, hold, and injoy the aforesaid Colledge with all their Appurtenances, and the aforesaid Mannor of *E.* and other the Premisses  
with

with the Appurtenances, whereof, &c. amongst other things to the aforesaid late King, his Heires, Successors, and Assignes, to the sole proper behoofe, use, and profit of the same late King, his Heires, Successors, and Assignes, for ever, as by the same Writing amongst other things more plainly appears. By virtue of which said Gift, Grant, and Act aforesaid, the same late King was seized of the Mannor aforesaid, and other the Premises with the Appurtenances, whereof, &c. in his Demesne as of Fee and Right, in right of his Crown of *England*; and being so thereof seized, the same late King, afterwards, and before the aforesaid time of the Trespasse aforesaid made, to wit, the tenth day of *December*, in the thirty fourth year of his Reigne, by his Letters Patents which he the said *R.* brings here into Court, whose Date is at *Westminster*, the same day and yeare, did give and grant unto *Henry*, then Earle of *Surrey*, the Mannor aforesaid with the Appurtenances, whereof, &c. amongst other things: And the Reversion of the same Mannor, to have and to hold to him the said Earle, his Heires and Assignes for ever: By virtue of which said Letters Patents, the same late Earle was seized of the aforesaid Mannor with the Appurtenances, whereof, &c. in his Demesne as of Fee and Right, and so being thereof seized, after and before the aforesaid time of the Trespasse aforesaid made, the same late Earle, the twentieth day of *May*, in the thirty sixth year of the aforesaid late King, by his Indenture at *E.* between him the said Earle, by the name of the Honorable *Henry* Earle of *Surrey*, Knight of the Honorable Order of the Garter, on the one part, and the aforesaid *Richard*, by the name of *Richard Filmarston*, Gentleman, of the other part, which other part, with the Seale of the aforesaid Earle signed, he the said *R.* brings here into Court, whose Date is the same day and yeare, did bargain and sell to him the said *R.* the Mannor aforesaid with the Appurtenances, whereof, &c. amongst other things, by the name of the whole Mannor of *E.* with the Appurtenances in *Suffolke*, and all Lands and Tenements, Meadows, Feedings, Pastures, Woods, Under-Woods, Possessions, and Hereditaments, accepted, reputed, or taken, as part, parcell, or Member, of the aforesaid Mannor, or to that Mannor in any manner pertaining, as also all other Lands, Tenements, and Hereditaments, being of the aforesaid Earles in *E.* or eliewhere in the County of *S.* which the aforesaid Earle had of the Gift and Grant of the aforesaid late King, or which pertained or belonged, or were part, parcell, or member, or unto the aforesaid Colledge, or of the Possession thereof, within three yeares next before the dissolution of the same Colledge, to have and to hold the aforesaid Mannor, and all other the Premises



messes with their Appurtenances, to the aforesaid R. his Heires and Assign's for ever, as by the same Indenture, amongst other things, it more fully appeares: Which sayd Indenture beore *Sampson Michell* Clerke, one of the Masters of the Court of Chancery of the aforesaid late King, afterwards the same twentieth day of *May* in the thirty sixth yeare aforesaid, as the Deed of him the sayd Earle, by him the Earle was acknowledged, and in the Chancery aforesaid the same day and yeare, according to the forme of the Statute in that case published and provided, was inrolled; by which the same R. was seized of the Mannor aforesaid with the appurtenances, whereof, &c. in his Demesne as of Fee, untill the aforesaid S. afterwards, to wit, the aforesaid time wherein, &c. into the Mannor aforesaid with the appurtenances, whereof, &c. did enter, and the Close aforesaid then and there broke, and the Grasse aforesaid then and there growing, with the Cattell aforesaid did eate up, trod downe, &c. in manner and forme as the aforesaid R. above against him complains.

And further the same R. sayes, That the aforesaid Demise of the Mannor aforesaid with the appurtenances, whereof, &c. by the aforesaid late Master and the Brotherhood to the aforesaid E. *Bestroy* and S. in forme aforesaid made, had his Continuance and being at the aforesaid time of the aforesaid Demise of the same Mannor with the appurtenances, whereof, &c. to the aforesaid S. by the aforesaid late Master and Brotherhood, in forme above in the Barr aforesaid specified, was supposed to be done: By which the same Demise in the Barr aforesaid pleaded, in the same manner and forme made is voyd and of none effect: And this, &c. Whereupon for that the aforesaid S. the Trespasse aforesaid in the aforesaid hundred Acres of Land with the appurtenances, above acknowledgeth, the same R. prayes Judgement, and his damages by occasion of that Trespasse to be adjudged unto him, &c.

AND the aforesaid S. as formerly saith, That the aforesaid late Master and Brotherhood aforesaid, of the late Colledge, long before the aforesaid time of the Trespasse aforesaid above supposed to be done, were seized of the Mannor aforesaid, with the appurtenances, whereof, &c. in their Demesne as of Fee, in right of their Colledge aforesaid: And the said late Master and Brotherhood of the same late Colledge of that Mannor with the appurtenances,

*The Defendant maintains his Plea and traverseth the demise of the Master and Brotherhood to T. Bestroy and S.*

appurtenances, whereof, &c. being seized, the same late Master and Brotherhood of the aforesayd late Colledge, before the aforesayd time wherein, &c. to wit, the aforesaid twentieth day of *December*, in the thirtieth yeare of the Raig of the aforesayd late King, at *R.* aforesayd, by their aforesayd Writing indented with the Seale of them the sayd Master and Brotherhood sealed, and to the Court of our aforesayd late Queen shewen, as aforesayd, whose date is the same day and yeare, by their unanimous assent and consent, did demise and to Farme let unto the aforesayd *S.* his Heires, Executors and Assignes, the aforesaid Mannor of *E.* with the appurtenances, to have and to hold the aforesaid mannor with the apuptenances, whereof, &c. to the aforesayd *S.* his Executors and Assignes, from the aforesayd Feast of the Intention of the holy Crosse last past, before the date of the said indented Writing, unto the end and terme of fifty yeares, from thence next following, and fully to be compleat and ended: By vertue of which sayd Demise, the aforesayd *S.* into the Mannor aforesayd with the appurtenances did enter, and was thereof possessed, in manner and forme as the aforesayd *S.* above by pleading hath alledged.

Without that that the aforesayd late Master and Brotherhood aforesayd of the late Colledge, demised the Mannor aforesayd, with the appurtenances, whereof, &c. to the aforesayd *E. Bessnay* and *S.* in manner and forme as the aforesayd *R.* above by Replication hath alleadged: And this, &c. Whereupon he prayes Judgment, and that the aforesayd *R.* may be debarred from having his Action aforesayd against him, &c.

**A**ND the aforesayd *R. F.* as formerly saith, That the aforesayd late Master and Brotherhood of the aforesayd late Colledge, did demise the Mannor aforesayd with the appurtenances, whereof, &c. to the aforesayd *E. B.* and *S.* in manner and forme as the aforesayd *R.* above by Replication hath alleadged; and this hee prayes may be inquired of by the Countrey: And the aforesaid *S.* in like manner, &c. Therefore command is to the Sheriff of *Norfolke*, that he cause to come here twelve, &c.

*A Justification in Trespasse, by a Prescription for a Procession way in another place then in the declaration, with a traverse that he is guilty in the place in the declaration.*

**A**ND the aforesayd *T. A. R. T. M.* and others, by *W. H.* their Attorney, come and defend the force and injury, when, &c. And the aforesayd *T. M.* sayes, That he is in nothing thereof guilty: And of this, &c. and the aforesaid Prior in like manner, &c. And the aforesaid *T. A. R.* and others, as to the coming by Force and Armes, say, that they are in nothing thereof guilty: And of this, &c. and the aforesaid Prior in like man-

nor, &c. And as to the residue of the Trespasse aforesaid, supposed to be made, they the said T. A. R. and others say that the aforesaid Prior ought not to have his action aforesaid against them: Because they say that long before the aforesaid time, wherein the Trespasse aforesaid is supposed to be done, one E. M. was seized of one Marsh called forty acres, containing forty acres of Marsh land with the appurtenances lying in the Parish of H. in the County aforesaid in his demesne as of fee: and being so thereof seized before the said time, wherein, &c. at H. aforesaid demised the aforesaid forty acres of Marsh Land to the aforesaid Prior to hold to him at the will of him the said E. By virtue of which demise, hee the said Prior the aforesaid time of the Trespasse aforesaid supposed to be made was thereof possessed: further say that the same T. A. is, and the aforesaid time of the Trespasse aforesaid supposed to be done was Vicar of the Parish Church of H. aforesaid: and that they the said R. and others at the same time of that Trespasse supposed to be made were Parishioners of the same Parish of H. and dwelling within the same Parish: and further say, that the aforesaid T. A. and all his predecessors Vicars of the Parish Church of H. aforesaid, and whomsoever Parishioners of the same Parish from the time being from time out of minde were used and accustomed yearly at their pleasure, on the Eve of Ascension day within the Rogation dayes to go and walk about through the Marsh aforesaid with solemne procession of the aforesaid Parish of H. By which the aforesaid T. A. the aforesaid time of the Trespasse aforesaid supposed to be made then being Vicar of the same Church: And the aforesaid R. and others then Parishioners of the same Parish of H. and dwelling within the same Parish on the Eve of Ascension day within the Rogation daies in the aforesaid first year of the Reign of our Lord the King that now is, with other Parishioners of the same Parish, with the solemne procession of the same Parish, did goe and walke about the aforesaid forty acres of Marsh; The aforesaid Prior then of the Marsh aforesaid being possessed by virtue of the demise aforesaid to him made; and in that walking about the grasse aforesaid in the same Marsh then growing, by walking, with their feet they did tread down and consume, as it was lawfull for them to doe; Without that that the aforesaid T. A. R. and others are guilty of the Trespasse aforesaid in S. aforesaid supposed to be done in the forme which the aforesaid Prior above against them complaineth, and this, &c. Whereupon they pray judgement, whether the aforesaid Prior ought to have his action aforesaid against them.

**A**Nd the aforesaid Prior sayes, that he ought not be debarred from having his Action aforesaid against &c. Because he saith by Pro-  
Issue upon the Trespasse.

testation that the aforesaid Marsh called forty acres is in *Seafalton* aforesaid, and not in the parish of *H.* by protestation also that the aforesaid *E.* was not seized of the aforesaid forty acres of Marsh, nor demised them to him the said Prior in form aforesaid; and not acknowledging any thing by the said *T. A. R.* and which is above alledged to be true, For plea saith, that the said *T. A. R.* and others are guilty of the Trespasse aforesaid, in *Seafalton* aforesaid, in the form wherein he the same Prior above against them complaineth; and this he praies may be enquired of by the Country, and the aforesaid *T. A. R.* and others in like manner, &c.

Justification in  
Trespasse for a  
Herriot Custom

And the aforesaid *W. T.* and *T. C.* by *W. R.* their Attorney come, and defend the force and injury when &c. And as to the coming by force and armes, &c. or whatsoever, &c. not guilty: And as to the taking of the Oxe aforesaid, they the said *W.* and *T.* say that the aforesaid Administrator ought not to have his Action aforesaid against them; Because they say that long before the aforesaid time, wherein the aforesaid *I.* the Testator, &c. was seized of twenty acres of Lands with the appurtenances in *B.* aforesaid in his demesne as of Fee; And being so thereof seized, held the same twenty acres of Land with the appurtenances of *Thomas Bishop* of *London* as of his Mannor of *Boughton Aylusse* in the County aforesaid by feaky and rent of 12d. by the year, that is to say, at the Feast of *St. Andrew* the Apostle 3d. thereof, and at the feasts &c. 3d. thereof residue by equall portions yearly to be paid; And by the service of doing Suit to the Court of the said *Bishop* of his Mannor aforesaid from three weekes to three weekes at *Boughton A.* aforesaid to be held, and by the service of rendring after the death of each Tenant dying thereof seized; and after each alienation of the same twenty acres of Land in fee made by way of releife three pence one farthing, and the third part of one farthing: And by the service of rendring to the aforesaid *Bishop* after the death of each Tenant dying of the aforesaid twenty acres of Land seized the best living beast of the same Tenants at the time of his death in the name of a Herriot; of which said services the same *Bishop* was seized by the hands of the aforesaid Testator, as by the hands of his true Tenant: (and otherwise thus) That the aforesaid *Bishop* and all his Ancestors, and all they whose estate the same *Bishop* hath in the aforesaid Mannor of *B. A.* with the appurtenances have had and time out of minde were accustomed to have of all and all manner of Tenants of the Mannor aforesaid, and of each Tenant of the same Mannor whose Lands or Tenements of the Lord of the Mannor aforesaid, as of the same Mannor holdeth, and these Lands or Tenements or any parcell thereof so held, he alienateth to any person or persons in fee, notice thereupon in the life time of him who alienateth those



those Lands or Tenements by them or by him, to which or to whom such Lands or Tenements should be sold to the Lords of the said Mannor for the time being, being not given or made after the death of such Tenant so alienating, the best living beast, which was his the said Tenant so alienating at the time of his death, by the name of a customary Herriot : And the aforesaid W. and T. say, that the aforesaid I.S. the Testator, &c. was seized of the aforesaid twenty acres of land with the appurtenances in his demesne as of Fee : and being so thereof seized enfeofed T.S. and I.S. of the same twenty acres of Lands, with the appurtenances of the aforesaid Bishop in forme aforesaid then being held, to hold to them, their heirs and assigns for ever : By vertue of which said Feoffment, they the said T.S. and I. S. were thereof seized in their demesne as of Fee : and the aforesaid J.S. the Testator afterwards dyed : No notice by the same T.S. and I. S. or either of them of that Feoffment to the aforesaid Bishop at the time of the said Feoffment then &c. as yet being Lord of the Mannor in the life of the aforesaid J.S. the Testator being given or made : and the aforesaid W. and T. further say, that the aforesaid I. S. the Testator at the time of his death was possessed of the Oxe aforesaid as of his proper Oxe, which then was his best living beast at the time of his death. By means whereof they the said W. and T. as the servants of the same Bishop ; and by his command, the aforesaid time, wherein the Trespasse aforesaid was supposed to be made : The Oxe aforesaid, as the best living Beast which was the aforesaid I.S. the Testator at the time of his death in the custody of the aforesaid Administrators at B. A. aforesaid there found in the name of a customary Herriot, they took and led away as it was lawful for them to doe ; And this, &c. whereupon, &c.

**A**ND the aforesaid I.T.S. and I. Administrators, &c. say, that they levy any thing, &c. ought not to be debarred from having their action aforesaid against them, because by Protestation, that the aforesaid twenty acres of Lands are not sold of the aforesaid Bishop by such, nor so many services as the aforesaid W. and T. above have alleadged for Plea; they say that the aforesaid W. and T. the day and year aforesaid by force and armes of their proper injury, the Oxe aforesaid out of the possession of the Administrators aforesaid, at B. aforesaid found, they tooke and led away, as the same I. T. S. and I. above against them complaine, without that, that the aforesaid Bishop, and his Ancestors, and all they whose estates the same Bishop hath in the aforesaid Mannor with the appurtenances were, and from the whole time aforesaid were used, and accustomed of all, and all manner of the Tenants, and of every Tenant of the Mannor aforesaid, who holds Lands or Tenements of the Lord of the Mannor aforesaid, as of the same Mannor

*The Plaintiff  
says by Pro-  
testation that the  
Lands were not  
held by such, or  
so many services  
put, &c. for  
Plea that they  
did the Tresp-  
passe de in-  
juria propria,  
and traverse  
the custom.*

And those Lands or Tenements, or any parcell thereof so held, shall have sold to any person, or persons in Fee, notice thereof in the life of him who shall so have alienated those Lands and Tenements by him or them, to which, or to whom these Tenements shall be sold, unto the Lord of the same Mannor for the time being, not being given, or made after the death of the Tenant so alienating, the best living beast which was of his the said Tenants so alienating at the time of his death, in the name of a customary Herriot, as the aforesaid W. and T. above hath alleadged: And this, &c. Whereupon for that the same VV. and T.C. the taking of the Oxe aforesaid above acknowledge, they pray judgement, and their damages upon that occasion to be adjudged unto them, &c.

*Issue upon the  
Herriot custome.*

**A**ND the aforesaid W. and T. say that the aforesaid Bishop, and all his Ancestors, and all they whose estates he the said Bishop hath in the Mannor aforesaid with the Appurtenances hath had, and from the whole time aforesaid, were used and accustomed to have of all, and all manner of Tenants, of every Tenant of the Mannor aforesaid, who held Lands or Tenements from the Lord of the Mannor, &c. as of the same Mannor, and doe alien those lands and Tenements, or any parcel thereof to any person or persons in Fee; Notice thereof in the life time of him who shall so sell those Lands or Tenements by them, or by him, to which, or to whom those Tenements shall be sold, to the Lord of the same Mannor for the time being, not being given, and made after the death of such Tenant so alienating, the best living beast, which was his the said Tenant so alienating at the time of his death in the name of a customary Herriot, as the same W. and T. above have alleadged: And of this they put themselves upon the Country, &c.

*Some of the  
Defendants  
plead not guilty,  
and others justifi-  
fie, for that the  
place in which,  
&c. is the  
Kings highway.  
Trin. 16 Hen.  
7 Rol. 35.*

**A**ND the aforesaid R. J. A.E. J.C. and R.L. by R. G. their Attorney come and defend the force and injury, whom, &c. And the aforesaid R. I. A.E. and R. say, that they are in nothing guilty, &c. And of this, &c. And the aforesaid Plainriffe in like manner, &c. And the aforesaid, J.C. as to the coming with force and Armes, &c. as also the whole trespasse aforesaid, besides the breaking of the Close aforesaid, saith that he is in nothing guilty, &c. And as to the Trespasse aforesaid, of breaking the Close aforesaid supposed to be done, the same J.C. saies, that the aforesaid Plainriffe ought not to have his action aforesaid against him, because he sayes, that the place in which the Trespasse aforesaid is supposed to be made, is, and at the time wherein, &c. was seven Acres of Land called Otefield-brook with the Appurtenances in W. aforesaid, whereof the said J.C. at the time of the Trespasse aforesaid

aforesaid supposed to be made, and long before the said time was seized in his Demesne as of Fee: Over which said seven Acres of Land, with the Appurtenances is, and from time out of minde, was the Kings common high-way, tending and leading from the Kings way there called the *Ashford* high-way, unto the Village of *Adelsford* in the County aforesaid, containing in breadth eight foot, that is to say, as well for horsemen, as for foot-men there by the same way willing to ride, or journey: And further, he the same *I. C.* saies that he the aforesaid time wherein, &c. did ride, and travell from the aforesaid Kings way, called *Ashford* high-way, unto the village of *Adelsford* aforesaid over the aforesaid seven Acres of Land, using that high-way of the Kings there, as it was lawfull for him to do: which said riding by that high-way of the Kings over the aforesaid seven Acres of land, is the same breach of the Close, whereof the aforesaid *I. C.* above complaines, &c. And this, &c. whereupon he prayes judgement whether the action &c.

And the aforesaid Plaintiffe sayes, that he ought not to be debarred from having his action aforesaid against the aforesaid *I. C.* because hee saith, that the aforesaid *I. C.* together with &c. the day and yeer aforesaid by Force and Armes aforesaid of his proper injury the Close aforesaid in the aforesaid seven Acres of land did breake, and also his grasse upon the same seven Acres of Land then growing, with the cattell aforesaid, did eat up, tread down, and consume in manner and forme as the same *I. C.* above now complaineth.

VVithout that, that there is, or from the aforesaid time out of minde, &c. there was a common Kings high-way, tending and leading from the Kings high-way there called *Ashford* high-way, unto the village of *Adelsford*, as well for horsemen, as for footmen, over the aforesaid seven Acres of Land in manner and forme as the aforesaid *I. C.* above by pleading hath alleadged: And this, &c. VVhereupon for that the same *I. C.* the Trespasse aforesaid of breaking the Close aforesaid above acknowledgeth, he prayes judgement, and his damages by that occasion to be adjudged unto him, &c.

AND the aforesaid *I. C.* as formerly, saith, that there is, and from the said time out of minde, &c. there was a common Kings high-way tending and leading from the aforesaid high-way called *Adelsford* high-way unto the village of *Adelsford* aforesaid, as well for horsemen as for footmen over the aforesaid seven acres of Land with the appurtenances, in manner and forme as the aforesaid *I. C.* above by pleading hath alleadged; And of this hee puts himselfe upon the Country, and the aforesaid Plaintiffe in like manner, &c.

The Defendants  
plead that a  
stranger was  
seized, &c. And  
Enfeoffed cer-  
taine, &c. And  
justifie the  
Trespasse as ser-  
vants to the  
Feoffees.  
Palchx 19.  
Hen. 7. Rol. 60.

Colour by  
Feoffement.

**A**ND the aforesaid T. and VV. B. by T. S. their Attorney come and defend the force and injury when &c. And as to the coming by force and armes, or whatsoever, &c. not guilty : And as to the residue of the Trespasse aforesaid, supposed to be done, the same. T. A. and VV. say, that the aforesaid T. R. ought not to have his action aforesaid against them, because they say that the place in which the Trespasse aforesaid is supposed to be done, is, and the aforesaid time wherein, &c. was one Garden, three Crofes of Land containing twelve acres of Land, and one Pagholl in L. aforesaid, whereof one E. B. long before the said time, wherein, &c. was seized in his demesne as of Fee : And so being thereof seized, by his certaine Deed indented long before the said time enfeoffed F. A. and I. R. to have, and to hold to them, and their heires for ever. By vertue of which said Feoffement they the said R. and I. long before the aforesaid time, wherein, &c. were thereof seized in their demesne as of Fee : And the aforesaid T. R. claiming the Tenements aforesaid, with the appurtenances by colour of a certaine demise to him thereupon made for terme of his life by the aforesaid Edmond long before the aforesaid Feoffement, to them the said F. and I. made, where nothing of the aforesaid Tenements, with the appurtenances into the possession of him the said T. B. by that Deed ever passed into the same Tenements with the appurtenances long before the said time of the Trespasse aforesaid, supposed to be done, entered upon: which said T. B. possession thereupon; the aforesaid T. A. and W. as the servants of them the said F. and I. and by their commandement, the aforesaid time wherein, &c. into the same Tenements, with the appurtenances re-entered, and the close aforesaid then there broke, and the corne and grasse then there growing did tread downe, and consume, continuing that treading downe, and consumption in forme aforesaid, as it was lawfull for them to do : And this, &c. Whereupon, &c. Whether action, &c.

The Plaintiffe  
Assigns Trespasse  
anew.

**A**ND the aforesaid T. R. sayes, that he by any thing by the aforesaid T. A. and VV. pre-alleged, ought not to be debarted from having his action aforesaid, against them of the Trespasse aforesaid made, because he saith, that the place in which the Trespasse aforesaid, whereof he above now complaineth, is, and the said time wherein, &c. was two hundred acres of Lands in R. aforesaid, called, *Faberfield*, *Thistle-crosse*, and *Churchfield*, other then the Tenements aforesaid in the aforesaid barre of them the said T. A. and VV. specified. VVhereupon for that the aforesaid T. A. and VV. to the Trespasse aforesaid in the aforesaid two hundred acres of Land answer not, he prayes judgement, and his damages, by occasion of that Trespasse to be adjudged unto him, &c.

AND



**A**Nd the aforesaid T. A. and W. as to the trespasse aforesaid in the aforesaid two hundred acres of land anew assigned supposed to be done, say that the aforesaid T. R. ought not to have or maintain his action aforesaid against them, &c. because they say that the aforesaid T. A. and W. are, and the aforesaid time wherein &c. were seized of one Messuage with the appurtenances in R. aforesaid in their demesne as of Fee; and that they, and all those whose estate the same T. A. and W. have in the same Messuage with the appurtenances were accustomed to have a certaine way from the said Messuage unto the Parish Church of R. over and upon the aforesaid two hundred acres of Land from the time out of mind, &c. By which the same T. A. and W. the aforesaid time wherein &c. into the aforesaid two hundred acres of Land entered using their way aforesaid in the same, as it was lawfull for them to doe, which is the same trespasse of breaking the Close aforesaid, and treading downe and consuming the grasse aforesaid in the same two hundred acres of Land whereof the aforesaid A. B. above against them complaineth; And this &c. whereupon they pray judgement whether the aforesaid T. B. ought to have and maintaine his action aforesaid against them, &c.

*The Defendants  
justifie the Trespasse in the lands  
anew assigned for  
cert ain way  
from their houses  
to the Church.*

**A**Nd the aforesaid T. B. saies that he by any thing before alledged ought not to be debarred from having his action aforesaid against them, because by prorestation that the aforesaid T. A. and W. and all they whose state the same A. T. and W. have in the Messuage aforesaid, have not had, nor were accustomed to have the way aforesaid from the Messuage aforesaid, to the Church aforesaid, over and upon the aforesaid two hundred acres of Land in the aforesaid last bar specified from the time out of mind &c. as they above by pleadings have alledged; for plea he sayes, that he the same T. B. was of the aforesaid two hundred acres of Land with the appurtenances long before the said time wherein &c. seized in his demesne as of Fee. untill the aforesaid T. A. and W. by force and armes aforesaid the Close aforesaid in the aforesaid two hundred acres of Land did breake, and the come and grasse aforesaid out of that way growing did tread downe and consume in manner and forme as the same T. B. above by pleading hath alledged; and this &c. whereupon he prayes judgement, and his damages by occasion of that trespasse to be adjudged unto him &c.

*The Plaintiff by  
prorestation saies  
the Defendants  
had no way for  
plea, that they  
trod down the  
grasse out of that  
way.*

**A**Nd the aforesaid T. A. and W. as to the trespasse aforesaid out of the way aforesaid in the aforesaid two hundred acres of Lands supposed to be made, say, that they are nothing thereof guilty; And of this they put themselves upon the Country, and the aforesaid T. B. in like manner, &c.

And

The Defendants  
justifie the tak-  
ing of a Mor-  
tuary, by ver-ue  
of a Demise to  
them of the Re-  
ctory, &c.  
Trin. 21.  
Hen. 7. Rol 63

**A**ND the aforesaid R. P. and W. P. by A. B. their Attomey come and defend the force and injury when, &c. and as to the coming by force and armes or whatsoever, &c. nor guilty &c. and as to the residue &c. the same R. and W. say that the aforesaid plaintiffe ought not to have his action &c. because they say, that one L. Prior of the house and Church of the blessed *Mary*, and *St. Thomas* the Martyr of the now place near *Guilford* is, and the said time wherein &c. was Parson imparbonate of the Church of *Ewel* aforesaid: and that he; and all his Predecessors, Priors of the house aforesaid, from the time out of minde, &c. were Parsons of the same Church imparbonate in the same: And that he, and all his Predecessors aforesaid Parsons of the Church aforesaid by the whole time aforesaid, were used and accustomed to have of every person within the Precinct of the Parish of *Ewel* aforesaid, dying, to whom the Sacraments and holy things at the time of his death are administred, or administtable, one living Beast of the same to dying person; if the same dying man have bea'st at the time of his death, or before, or the best thing of him the said so dying man, if he have no living bea'sts at the same time, in the name of a Mortuary, for the holy things to him so dying to be celebrated: And that the aforesaid Prior, and all his Predecessours aforesaid, Parsons of the Church aforesaid, from the whole time aforesaid, were used and accustomed to take and seize such Mortuary so happening, to whose hands soever they should come: And the same R. P. and W. say, that the aforesaid now Prior, long before the said time, wherein &c. that is to say, (such a day and year) at *Ripley* in the County aforesaid, demised to the aforesaid R. P. the Rectory of *Ewel* aforesaid, with all fruits, oblations, offerings, glebes, lands, and other their appurtenances whatsoever; To have, and to hold to him the said R. P. and his Assigns untill the end and terme of one and twenty years from thence next following, and fully to be compleat: By vertue of which Demise the aforesaid R. P. long before the said time wherein, &c. was of the Rectory aforesaid, and other the premises, with their appurtenances possessed: And hee being so thereof possessed after, and before the said time, that is to say (such a day and year aforesaid) one E. G. to whom the Sacraments and holy things then were to be administred, and administtable, was possessed of the aforesaid horse, as of his proper horse: And he being so thereof possessed long before the said time, wherein, &c. delivered that horse to the aforesaid R. G. safely to be kept: And that horse to him the said E. to be redelivered when he should be thereunto required: And that also long before the said time wherein, &c. that is to say the eleventh day of *March* (such a year) One R. R. to whom the Sacraments and holy things then were to be administred, and administtable;

ministrable was possessed of the aforesaid Oxe, as of his proper Oxe : And so being thereof possessed long before the same time, wherein &c. delivered that Oxe to the aforesaid R.G. to be safely kept : And that Oxe to him the said R.R. when he should be thereunto required to be re-delivered : By means whereof, the aforesaid R. E. long before the aforesaid time, wherein, &c. was of the said Oxe possessed : And he being so of the same Horse and Oxe possessed, the aforesaid E. G. and R. R. afterwards, and long before the same time at *Ewell* aforesaid, within the Parish aforesaid dyed : By means whereof, the Horse and Oxe aforesaid, came and belonged to the aforesaid R.P. in the name of a Mortuary, of them the said E. G. and R.R. By which the same R.P. as in his owne Right : And the aforesaid A. and W. as servants of him the said R.P. and by his command the aforesaid time wherein, &c. the Horse and Oxe aforesaid at *Ewell* aforesaid found, in the name of Mortuaries of them the said E.G. and R.R. they tooke and led away, as it was lawfull for them to doe : And this, &c. whereupon they pray judgement whether the action, &c.

**A**ND the Plaintiffe sayes, that he ought not to be debarred from his action aforesaid, &c. because he saith, That the Prior, Parson of the Church aforesaid imparsonate in the same remaines, and all his Predecessors aforesaid Parsons of that Church from time out of minde were used, and accustomed to have of each person within the Precinct of the Parish of *Ewell* dying, to whom the Sacraments and holy things at the time of his death are to be administred, and ministrable one living beast of the same so dying person, if the same dying person have living beasts at the time of his death, or one other better thing of his the said person so dying, if at the same time he had no living beasts, in the name of a Mortuary for Sacramentals to him so dying to be administred : And that also within the same Parish of *Ewell*, from the whole time aforesaid, there is had such a custome, that wheresoever any of the Parish aforesaid, to whom Sacraments and holy things are to be administred and ministrable at the time of his death within the Parish aforesaid doe dye, having livings, beasts, or other things at the time of his death, that then after his death his Executor or Executors of his last will, or Administrator, or Administrators of the goods and Charters of him so dying, were used and accustomed to have the first election of all and singular the beasts, or of any other better things which were of him so dying at the time of his death : And the same living beasts or other better things first chosen to be taken and seized to the fulfilling of the Will of the Testator so deceasing : And after such election of the living beasts, or of other better things of such person dying, by the Executor, or Administrator of the goods of such so dying in  
E c forme

forme aforesaid made, That then the aforesaid Prior Parson imparsonate of the Church aforesaid, or his Deputy by the whole time afore-  
said were used and accustomed to have to himselfe of the beasts, or of  
other things residue which were of the aforesaid so dying person at  
the time of his death, the best beast, or other better thing of his so  
dying by his Executors or Administrators formerly in no wise taken, or  
seized for his Mortuary : And the aforesaid R. and M. say that the  
aforesaid E.G. and I.R. long before the said time wherein, &c. And  
at the time of the death of them, were possessed of the aforesaid Horse  
and Oxe, as of their proper Horse and Oxe : And so being thereof pos-  
sessed at *Ewell* aforesaid, constituted the aforesaid R.G. Executor of their  
last Wills : And long before the aforesaid time, wherein, &c. By means  
whereof the said R.G. after the death of the aforesaid E.G. and R.R. as  
Executor of the Testament, and last Will of them the said E.G. and  
R.R. long before the said time wherein, &c. the aforesaid Horse and  
Oxe, as the best living beasts of the aforesaid Testator took and seized  
to the fulfilling of the execution of the Testament of the aforesaid Testa-  
tors : By which he the said E.G. long before the said time wherein, &c.  
was of the same Horse and Oxe possessed untill the said R.P.A. and W.  
in the said time wherein, &c. the same Horse and Oxe out of the pos-  
session of him the said E. G. they took and led away in manner and  
forme as the same E.G. above against them complaineth : And this, &c.  
Whereupon for that the aforesaid R.P.A. and W. the Trespasse aforesaid  
above acknowledgeth, he prayeth judgement, and his damages upon that  
occasion to be adjudged unto him, &c.

*The Defendant  
maintaines his  
plea in bar, and  
traverses the  
custome pleaded  
by the Plaintiffe.  
Traverse.*

**A**ND the aforesaid R.P.A. and W. as to the aforesaid residue of  
the Trespasse aforesaid supposed to be done, sayes as formerly,  
that the aforesaid Prior is, and at the said time wherein, &c. was Parson  
of the Church aforesaid imparsonate in the same, and that he, and all his  
predecessors (and so recite as in the first plea in bar of the Defendant.)

Without that that within the aforesaid Parish of *Ewell* from time  
out of minde, &c. there was had such a custome, that whensoever any of  
the Parish aforesaid, to whom Sacraments and holy things at the time  
of his death are to bee administred or administrable do dye within that  
Parish, having livings, beasts, or other things at the time of his death,  
that then after his death, his Executor, or Executors of his will afore-  
said, or the Administrator or Administrators of the goods and Char-  
tels of him so dying, were used and accustomed to have the first election  
of all and singular the livings, beasts, or of any other better things, which  
were of his so dying at the time of his death : And the same living  
beasts, or other better things first chosen, to take and seize to the fulfil-  
ling of the Execution of the Testament of such Testator so deceasing, as  
the



the aforesaid R.G. above by pleading hath alleadged : And this, &c. Whereupon they pray judgement : And that he the said E.G. may be debarred from having his action aforesaid against them.

**A**ND the aforesaid E. G. as formerly saith, that within the Parish, &c. (and so word for word as in the Traverse before) untill as he the same E.G. above by pleading hath alleadged. And this he prayes may be enquired of by the country, &c. And upon this the aforesaid R. P. sayes that he that Averment aforesaid, above pretended, without the aforesaid Prior cannot make good, or maintaine : And prayes aid of him the said Prior : And he that, &c. Therefore the same Prior is to be summoned by good Summons, &c. that he be before our Lord the King from the day of St. Michael in fifteen dayes, wheresoever, &c. to joyne himselfe in aid unto the aforesaid R.P. and to make good and maintaine the issue aforesaid, with the aforesaid A. and W. if he will : And as to the trying of the issue aforesaid above between the parties aforesaid joyned, The Jury are thereupon to come before our Lord the King at the aforesaid Terme : And who neither, &c. to Recognise, &c. Because as well, &c. The same day is given to the parties aforesaid here, &c.

*Issue upon the Traverse.*

*Aid Prior asked, issue made.*

*Issue and the Vc. fis.*

*Middlesex,* **A**ND the aforesaid J.L. by W.L. his Attorney comes and defends the force and injury when, &c. And as to the coming by force and armes, he saith, he is in nothing thereof guilty : And as to the residue of the Trespasse aforesaid, supposed to be done, the same I. sayes, that the aforesaid Plaintiff ought not to have his action, &c. because he saith that the same S. long before the said time wherein, &c. was indebted unto him the said I. in 46 s. and 8 d. for divers sums of money by him the said S. of the aforesaid I. formerly borrowed : And afterwards, and long before the said time, the same S. by one A. his wife delivered to the aforesaid I. the aforesaid goods, and chattels, as a pawne for the aforesaid 46 s. and 8 d. to be held to him the said I. in pledge, untill the said S. to the aforesaid I. the same 46 s. and 8 d. had paid : And the same I. in fact saith, that the aforesaid S. hath not as yet paid to him the said I. the aforesaid 46 s. and 8 d. Which is the same Trespasse, and taking and carrying away the aforesaid goods and chattels, whereof the aforesaid S. above now complains. And this, &c. Whereupon he prayes judgement whether the Action, &c.

*The Defendants pleaded the goods taken as a pawne for money lent &c.*

**A**ND the aforesaid S. sayes, that he by any thing before alleadged, ought not to be debarred from having his Action aforesaid, because he saith, that the aforesaid I. as of his proper injury, and without such a

*The Plaintiffe replied that he took them injuria sua propria without such a cause.*

cause above by him the said I. alleadged the day and yeare aforesaid, the aforesaid goods and chattels at *St. John* street aforesaid found, hee took and carried away, as the same S. by his Bill aforesaid above supposed: And this he prayeth may be enquired of by the Country: And the aforesaid I. in like manner. Therefore the Jury is to come before our Lord the King, &c.

*Justification in  
Trespasse for ta-  
king Cattel as a  
Stray.*

AND the aforesaid R. by T.B. his Attorney comes and defends the force and injury when, &c. And as to the coming by force and armes, and also the whole Trespasse aforesaid, besides the taking and leading away of two horses of the aforesaid three horses, the same R. sayes, that he is in nothing guilty, &c. And as to the taking and leading away of two of those horses, the same R. sayes that the aforesaid T. *Poultry* ought not to have his action aforesaid against him, because hee saith that the place in which the Trespasse aforesaid was supposed to be done, is, and the said time wherein, &c. was eight acres of Meadow in *Shouley* aforesaid called *Salmons Meade* parcel of the Mannor of S. otherwise C. within which said Mannor the same R. and all his antecessours, whose heire he is: And all others whose estate hee the said R. now hath in the said Mannor have had view of Franke Pledge, Wayfes, and Strayes within the same Mannor from time out of minde: And the same R. sayes, that the aforesaid two horses before the said time, wherein, &c. came within the Mannor of S. aforesaid, and there remained before the said time, wherein, &c. by the space of one yeare, and one day as Strayes: And the aforesaid R. made publicke Proclamation in the Market of the Village of *St. Albans*, and in divers Churches, and Markets being neer there, according to the laudable custome of that Country used: And none came to claime the property of the said two horses within the aforesaid one year, and one day: By which the same R. in the aforesaid eight acres of Meadow seized and took the aforesaid two horses as his proper goods and chattels.

*Traverse the  
place of taking.*

Without that, that the same R. took those two horses within the Precinct of the aforesaid Mannor of *Shouley Berry* in manner and form as the aforesaid T. above against him complaineth: And this, &c. Whereupon he prayes judgement whether the aforesaid T. ought to have his action aforesaid against him, &c.

*Issue upon the  
traverse.*

AND the aforesaid T. sayes, that he by any thing before, &c. ought not to be debarred, &c. Because he saith, that the aforesaid R. took the aforesaid two horses within the Precinct of the aforesaid Mannor of S. M. in manner and forme as the same T. above against him complaineth: And this he prayes may be enquired of by the Country: And the aforesaid I. in like manner: Therefore the Jury is to come before our Lord the King, &c.

AND

**A**ND the aforesaid A. by G. T. his Attorney comes and defends the force and injury, when, &c. And sayes, that the aforesaid C. ought not to have his action aforesaid against him, because hee saith that before the property of the horse aforesaid was the aforesaid C. the property of the same horse did belong unto one B. And sayes that the Towne of Dorton is, and from the time out of minde was an ancient Burrough, within which said Burrough there hath been, and from the whole time aforesaid, was had a certaine Market on each Thursday weekly: And sayes that the aforesaid B. of the aforesaid horse as of his proper horse being possessed long before the time of the Trespasse aforesaid, supposed to be done (that is to say such a day and year) at D. aforesaid in full Market there for 6 l. to the aforesaid B. in hand paid that horse to him the said A. hee sold: And the same horse to him the said A. then and there delivered. By vertue of which said sale and delivery of that horse as of his proper horse was possessed, and as yet is: And the aforesaid C. the horse aforesaid out of the possession of him the said B. took, and was thereof possessed untill the same A. the same horse as his proper horse at S. aforesaid at the time of the Trespasse aforesaid, supposed to be made, out of the possession of the aforesaid B. by means of the sale and delivery aforesaid, he againe took, and led away, as it was lawfull for him to do: And this &c. Whereupon hee demands judgement. &c.

*The Defendant  
pleads the pro-  
perty of the  
horse in a stran-  
ger, who in pub-  
lick Market  
sells to the De-  
fendant.*

**A**ND the aforesaid C. sayes, that he by any thing before alleadged, ought not to be debarred from having his action aforesaid against him, &c. because by protestation, that the aforesaid propriety of the horse aforesaid was never the aforesaid B. for Plea he saith, that long before the time of the Trespasse aforesaid made, the propriety of the horse aforesaid, was one T. H. which said T. of that horse as of his proper horse then being possessed, that horse to him the said C. long before the said time wherein the Trespasse aforesaid was made, to wit (such a day and year, and place, and County) for a 100 s. to him the said T. in hand paid, sold to him the said C. the horse aforesaid: And that horse to him the said C. then and there delivered. By vertue of which said sale and delivery the same C. of that horse as of his proper horse was possessed untill the aforesaid A. the horse aforesaid at S. aforesaid at the time of the Trespasse aforesaid made by force and arms out of the possession of him the said C. he took and led away, as he by his aforesaid Writ and declaration aboue against him complaineth.

*The Plaintiff  
pleads the  
property in  
another stran-  
ger, who sold to  
him, and tra-  
verses the sale  
made to the De-  
fendant.*

Without that, that the aforesaid B. the horse aforesaid to the aforesaid A. at D. aforesaid (the aforesaid such a day, and yeare) sold, in manner and forme as the aforesaid A. above alleadgeth: And this &c. Where-

*A Traverse of  
the sale to the  
Defendant.*

upon for that the aforesaid A. the Trespasse aforesaid above acknowledged, hee prayes judgement; and his damages by occasion of the Trespasse, aforesaid to be adjudged unto him, &c.

*Issue upon the  
Traverse.*

AND the aforesaid A. sayes, that the aforesaid B. the horse aforesaid to the aforesaid A. at D. aforesaid (the day and year aforesaid) sold in manner and form as he above hath alleadged: And of this he puts himselfe upon the Country, And the aforesaid C. in like manner, &c. Therefore the Jury is to come, &c.

*Institutions in  
trespasse for  
want of repara-  
tion of the  
hedges by the  
Plaintiffs.  
Trin. 22. Hen.  
6. Rol. 89.*

AND the aforesaid T. and I. by I.H. their Attorney come and defend the force and injury where, &c. And as to the coming by force and armes, &c. not guilty: And as to the breaking of the close aforesaid; and the eating up, treading downe, and consuming of the grasse aforesaid, the same T. and I. say, that the aforesaid N. ought not to have his action aforesaid against them, because they say that they at the time of the Trespasse aforesaid supposed to be made, were, and are seized of a certain close of pasture near adjoyning to the said close of the aforesaid N. in which the grasse aforesaid grew in K. aforesaid in their demesne as of Fee. Between which said closes there is a certaine hedge separating each from other the aforesaid closes: Which said hedge the aforesaid N. and all they whose estate the same N. hath in the close aforesaid, from time out of minde were accustomed to make, repaire and sustaine; and say that that hedge for want of reparation, and sustaining of the same, was at the time of the Trespasse aforesaid supposed to be made, broken downe, and laid prostrate to the ground; and that the Cattell of them the said T. and I. in their close aforesaid put to depasture into the said close of the aforesaid N. by the breach and decay of the said hedge did enter against the will of them the said T. and I. and the grasse aforesaid did eat up, tread downe, and consume, the same T. and I. their Cattell aforesaid freshly pursuing into the said close of the said N. by the breach and decay aforesaid, did enter to drive backe their cattell into the said close of them the said T. and I. and into that close speedily drove them, as it was lawfull for them to doe, which is the same Trespasse, and breach of close and feeding, treading downe, and consuming the grasse aforesaid, whereof the aforesaid N. above against them complaineth: And this they are ready to aver, &c. whereupon, &c.

*The Defendants  
plead that the  
Vicar was seized  
in right of his  
Vicaridge, and  
justifie as his ser-  
vants.*

Essex, AND the aforesaid H. T.R. and VV. by T. G. their Attorney come and defend the force and injury when &c. And as to the coming by force and armes, as also the whole Trespasse aforesaid, besides the breaking of the close, and how aforesaid, say that they are not guilty, &c. And as to the breaking of the close and house aforesaid, they



they the same H. R. and VV. say, that the aforesaid C. ought not to have thereof his action aforesaid against them, because they say that the close and house aforesaid, and also the place in which it was supposed the same Trespasse to be made, was one house & acre of Land with the appurtenances in *Eastham* aforesaid, which are, and the aforesaid time wherein &c. were parcel of the Mannor of *Eastham* in the County aforesaid, whereof before the said time wherein, &c. one I. R. Vicar of the Church of *Eastham* aforesaid, was seized in his demesne, as of Fee, in right of his Vicaridge aforesaid, by which the same H. R. and W. as the servants of him the said I. R. and by his command the aforesaid time wherein, &c. the close and house aforesaid, did break, as it was lawfull for them to doe: And this, &c. Whereupon they pray judgement whether the aforesaid C. ought to have, or maintaine his action aforesaid against them &c.

*The form of pleading where the quantity of the close is not ascertained in the Declaration.*

**A**ND the aforesaid Plaintiffe sayes, that he by any thing before pre-  
alleged, ought not to be debarred from having his action aforesaid against them of the breach of the close and house aforesaid, because he saith that it is well and true that before the said time of the Trespasse aforesaid made, the aforesaid I. R. was seized of the aforesaid house, and one acre of Land with the appurtenances in his demesne as of Fee in right of his Vicaridge aforesaid; And being so thereof seized before the same time of the Trespasse aforesaid made, to wit, the first day of *June* in the 33 yeare of the Reigne of our Lord the King, that now is at E. aforesaid in the County aforesaid, demised the same Tenements with the appurtenances to him the said Plaintiffe, To have, and to occupy to him the said Plaintiffe, and his assignes from the feast of the Nativity of *St. John Baptist* then next following, untill the feast of *St. Michael* the Arch-angel in the 35 yeare of the Reigne of our Lord the King that now is: By vertue of which demise, hee the said Plaintiffe of the Tenements aforesaid, with the appurtenances, was possessed, untill the aforesaid Defendants the day and yeare aforesaid in the Declaration aforesaid above specified by force and armes, &c. the close and house of him the said Plaintiffe at E. aforesaid, they did break against the peace of our Lord the King that now is, as he above against them complaineth: And this &c. Wherefore for that the aforesaid Defendants, the breaking of the close and house aforesaid above acknowledged, he prayes judgement, and his damages by occasion of that Trespasse to be adjudged unto him, &c.

*The plaintiffe replies that the Vicar demised to him &c.*

**A**ND the aforesaid Defendants, as formerly, say that the aforesaid I. R. was seized of the Tenements aforesaid, with the appurtenances in his demesne, as of Fee in right of his Vicaridge aforesaid, as they above have alleged, With-

*The Defendants maintain their plea, and traverse their Demise.*

Without that, that the aforesaid I.R. demised the Tenements aforesaid, with the appurtenances to the aforesaid Plaintiffs, as the same Plaintiffe above alleadgeth : And this, &c. Whereupon as formerly, he prays judgement, and that the aforesaid Plaintiffe may be debarred from having his action aforesaid of the breach of the close and house aforesaid against them, &c.

*Issue upon the  
Trespasse.*

AND the aforesaid Plaintiffe as formerly sayes, that the aforesaid I. R. demised to him the said Plaintiffe the same Tenements with the appurtenances, as he above hath alleadged : And this hee prays may be enquired of by the Country : And the aforesaid Defendants in like manner, &c.

*Justification in  
Trespasse by ver-  
tue of a demise  
made to the Te-  
stator, who be-  
queathed the  
same to his wife.*

AND the aforesaid R.F. by R. M. their Attorney come and defend the force and injury when, &c. And as to the coming by force and armes; and whatsoever, &c. not guilty. &c. And as to the residue of the Trespasse aforesaid above supposed to be done, the aforesaid R.F. sayes, that the aforesaid R.R. and I. ought not to have their action aforesaid against him, &c. because hee sayes that the close and house aforesaid, as also the place in which the trespasse aforesaid was supposed to be done, was, and the aforesaid time wherein the Trespasse aforesaid was supposed to be made, were one Messuage, and one close of Land containing in it fifteen acres of Land, with the appurtenances in S.aforesaid, whereof before the said time wherein, &c. one I. A. Esq; was seized in his demesne as of Fee : And so being thereof seized before the said time, wherein, &c. to wit (such a day, year, and place) did demise the Tenements aforesaid, with the appurtenances to one R.W. of &c. To have, and to hold to him, and his Assignes from the feast of St. Michael the Archangel then next following, unto the end and terme of forty years from thence next following, and fully to be compleat and ended : By vertue of which Demise the same R. W. was thereof possessed : And so being thereof possessed before the said time wherein, &c. to wit, (such a day, year, and place) made his last Will and Testament : And by the same willed and declared that Elizabeth his wife immediately after the decease of him the said R.W. should have and enjoy his state, terme, and interest which he then had to come in the Tenements aforesaid, with the appurtenances : And afterwards, and before the said time wherein, &c. the same R. VV. dyed : After whose death, the aforesaid E. was of the Tenements aforesaid, with the appurtenances possessed ; and so being thereof possessed before the said time, wherein, &c. (to wit, such a day, year, and place) took to husband him the said R. F. By which he the said R. F. was of the Tenements aforesaid, with the appurtenances possessed ; and the aforesaid Plaintiffs claiming the Tenements aforesaid, with the appurtenances by

*The forme of  
pleading, where  
the Lease accrue-  
d to the hus-  
band under the  
wifes will.*

by colour of a certaine Deed of Demise to them thereupon made for terme of their life by the aforesaid I. A. long before the aforesaid Demise by the same I. A. to the aforesaid R. W. thereupon in forme aforesaid made, where nothing of these Tenements, with the appurtenances into the possession of them the said Plaintiffes by that Deed ever passed into the Tenements aforesaid, with the appurtenances before the said time, wherein, &c. did enter: Upon whose the said Plaintiffes possession, thereupon the same Defendant afterwards, to wit, the same time wherein, &c. into the same Tenements, with the appurtenances, did re-enter; and the grasse aforesaid then there growing, which the aforesaid Cattell did eat up, tread down, and consume, and the ground aforesaid in the aforesaid fifteen acres of Land with his ploughes aforesaid, he did break up, as it was lawfull for him to do: And this, &c. Wherefore he prayes judgement whether the action, &c.

AND the aforesaid Plaintiffe sayes, that he by any thing before alleadged, ought not to be debarted from having his action aforesaid against the aforesaid Defendants, because he sayes, that before the aforesaid time of the Trespasse aforesaid made, the aforesaid I. A. was seized of the Tenements aforesaid with the appurtenances in his demesne as of Fee, and so being thereof seized before the said time wherein, &c. and before the aforesaid foure and twentieth day of September in the year, &c. of the same Tenements with the appurtenances enfeofed them the said Plaintiffes, and one R. E. Knight, and W. L. to hold to them, and their heires for ever, to the use of one T. A. son and heir apparent of the aforesaid I. A. and Mary the wife of him the said T. A. and the heires of their bodies of them lawfully begotten. By vertue of which said Feoffement they the said Plaintiffes, and R. and W. were thereof seized in their demesne as of Fee to the same use: And the said Plaintiffes and R. and W. to that use being so thereof seized, the aforesaid J. A. the aforesaid foure and twentieth of September, in the eighteenth year aforesaid, with the appurtenances to the aforesaid R. W. To have, and to hold to him, and his assignes from the aforesaid feast of St. Michael the Arch-angel from thence next following unto the end and terme aforesaid: By vertue of which demise, hee the said R. W. was thereof possessed; and so being thereof possessed the aforesaid (such a day, and year, and place) made his last Will and Testament in writing, and by the same willed and declared that the aforesaid Elizabeth his wife immediatly after his decease, should have and enjoy his state, terme and interest which he then had to come in the Tenements aforesaid with the appurtenances; and after the same R. W. dyed, after whose death the aforesaid E. into the Tenements aforesaid entred, and was thereof possessed; and so being thereof pos-

*The Plaintiffe  
pleads that be-  
fore the demise  
&c. the afore-  
said Feoffee en-  
feofed the  
Plaintiffe and  
others to the use  
of a stranger.*

passed afterwards, to wit, the aforesaid tenth day of *M.* in such a year aforesaid, the same *E.* took to husband the aforesaid Defendant: By which the same Defendant was of the Tenements aforesaid, with the appurtenances possessed, as he above hath alleadged; and hee being so thereof possessed, the aforesaid *R.E.* and *V.V.L.* before the time wherein, &c. at *London* in the Parish, &c. dyed, after whose death the same Plaintiffs before the said time wherein, &c. into the Tenements aforesaid with their appurtenances, did re-enter, and were thereof seized in their demesne as of fee to the use aforesaid by right accruing, &c. And further the same Plaintiffs say that the Trespasse aforesaid, whereof they now complaine, was made in the Mid-time between the aforesaid Feoffment by the aforesaid *I. A.* to them the said Plaintiffs, and the aforesaid *R.E.* and *V.V.L.* of the Tenements aforesaid, with the appurtenances in forme aforesaid made, and the said Re-entry of them the said Defendants in the same; and this, &c. *VV* hereupon for that the aforesaid Defendants the Trespasse aforesaid in the Tenements aforesaid above acknowledged, they the said Plaintiffs pray judgement, and their damages by occasion of that Trespasse to bee adjudged unto them, &c.

*The Defendant  
maintaineth his  
Plea, and tra-  
verses the Proff  
Tement.*

**A**ND the aforesaid Defendant sayes, that before the said time wherein the Trespasse aforesaid was supposed to be made, the aforesaid *I. A.* was seized of the Tenements aforesaid with the appurtenances in his demesne as of Fee: And so being thereof seized before the said time, wherein, &c. to wit, the aforesaid three and twentieth day of *S.* in the aforesaid (such a year) at *S.* aforesaid demised the same Tenements with the appurtenances to the aforesaid *R.VV.* to have and to hold to him the said *R.W.* and his assignes from the aforesaid feast of *St. Michael* the Archangel then next following, unto the end and terme aforesaid: By vertue of which demise he the said *R.W.* was thereof possessed; and so being thereof possessed, the aforesaid (such a day, year, and place) made his last Will and Testament; and by the same willed and declared, that the aforesaid *Elizabeth* his wife immediately after the decease of him the said *R.W.* should have his whole state, terme and interest which he then had to come, of, and in the Tenements aforesaid, with the appurtenances; and afterwards the same *R.W.* at *S.* aforesaid dyed, after whose death, the aforesaid *Elizabeth* was of the Tenements aforesaid, with the appurtenances possessed; and so being thereof possessed before the said time, wherein, &c. at *S.* aforesaid took to husband the same Defendant: By which the same Defendant before the said time wherein, &c. into the Tenements aforesaid, with the appurtenances, did enter, and was thereof possessed as hee above hath alleadged.

*VVgh*



# Trespasse.

Without that, that the aforesaid I. A. before the (aforesaid such day and year) enfeofed the aforesaid (Plaintiffes and others) of the Tenements aforesaid with the appurtenances; To hold to them and their heires for ever, to the use of the aforesaid T. A. and M. and the heires of their bodies lawfully begotten, as the aforesaid Plaintiffes above have alleadged: And this, &c. VVhereupon he prayes judgement: And that the aforesaid Plaintiffes may be debarrd from having their action aforesaid against him, &c.

*The traverse of the Enfeoffment.*

**A**ND the aforesaid Plaintiffes, as formerly, say that the aforesaid I. A. before the aforesaid foure and twentieth day of S. in the aforesaid such a yeare enfeofed them the said Plaintiffes, and the aforesaid R. E. and W. of the Tenements aforesaid, with the appurtenances, to hold to them, and their heires to the use of the aforesaid T. A. and M. and the heires of their bodies lawfully begotten, as they above have alleadged: And this they pray may be enquired of by the Country: And the aforesaid Defendants in like manner, &c. Therefore it is commanded the Sheriffe that he cause to come, &c.

*Issue upon the Traverse.*

**A**ND the aforesaid T. P. by R. F. his Attorney comes and defends the force and injury when, &c. And as to the coming by force and arms, &c. not guilty: And as to the residue, &c. the same T. (not acknowledging himselfe to have taken and carried away so many goods or chattels, nor that the goods or chattels were of so much value as by the Writ and Declaration aforesaid is supposed) saith that the aforesaid I. E. ought not to have his action aforesaid against him, because he saith that the aforesaid I. before the said time wherein the Trespasse aforesaid is supposed to be made, to wit (such a yeare, and place) gave to one A. the wife of the aforesaid T. the goods and chattels aforesaid, to hold to him, and his assignes for ever: By vertue of which said gift, the same A. was thereof possessed, and afterwards tooke to husband the same Defendant: And that the aforesaid A. was possessed of the goods and chattels aforesaid at the time wherein the aforesaid Defendant took her to wife: By which the same Defendant the goods and chattels aforesaid as his own proper goods and chattels at the time wherein the Trespasse aforesaid, was supposed to be done at R. there found, tooke, and carried away, as it was lawfull for him to doe: And this hee is ready to averre: Whereupon hee intendeth not any injury in that behalfe should be assigned to his person, &c.

*Justification in Trespasse for the taking of goods by purchase of gift from the Plaintiffe to the Defendants wife while she was sole.*

**A**ND the aforesaid Plaintiffe not acknowledging any thing by the aforesaid Defendant before alleadged to be true sayes, that he by any thing pre-alleged ought not to be debarrd from having his

*The Plaintiffe said that the wife of the Defendant while she was sole gave backe to him the goods*

## Trespasse.

action aforesaid against him, &c. because he saith that before the aforesaid time wherein, &c. there was certaine communication had between him the said Plaintiffe, and the aforesaid A. of Matrimony between them to be contracted: And thereupon the aforesaid A. him the said Plaintiffe treated with such flattering and dissembling speeches, that the same Plaintiffe beleeving that she would give her consent to such Matrimony; The goods and chattels aforesaid to her the said A. (the aforesaid day year and place) did give: And afterwards the aforesaid A. turning her heart from the aforesaid Plaintiffe on the aforesaid Defendant to have him for her husband, after the gift aforesaid, the aforesaid A. coming to the Village of R. aforesaid (such a day and year) the goods and chattels aforesaid to him the said Plaintiffe then and there gave backe againe what time the aforesaid A. was sole: By pretext whereof the same Plaintiffe was thereof possessed until the aforesaid Defendant by force and armes, the goods and chattels aforesaid at R. found, took, and carried away, against the peace of our Lord the King, that now is, and the same Plaintiffe above against him complaineth: And this &c. Whereupon for that the aforesaid Defendant above acknowledgeth the Trespasse aforesaid, he prayes judgement, and his damages by occasion of that Trespasse to bee adjudged unto him, &c.

*And upon the giving back of the goods.*

AND the aforesaid Defendant not acknowledging any thing by the aforesaid Plaintiffe before alleadged to be true, sayes, that the aforesaid A. after the Gift aforesaid to her by the aforesaid Plaintiffe of the goods and chattels made, did not give backe againe the aforesaid goods and chattels to him the aforesaid Plaintiffe, as the same Plaintiffe above hath alleadged: And of this hee puts himselfe upon the Country, &c. And the aforesaid Plaintiffe in like manner, &c.

*The Defendant justifies for that the goods were pawned to the Plaintiffe, and he pawned them to another, who d. lixer'd them to the Defendant to be safely kept, and to whom the Defendant afterwards the same re-delivered.*

AND the aforesaid W.B. by I.C. his Attorney comes and defends the force and injury when, &c. And as to the coming by force and armes, as also the whole Trespasse aforesaid, besides the taking, and carrying away of one bolle of Gold, and one bolle of Silver and gilt, and one cup of Gold, sayes, that in nothing thereof guilty &c. And as to the taking and carrying away of the aforesaid one bolle of Gold, one bolle of Silver and gilt, and one cup of Gold the same Defendant not acknowledging these goods and chattels to have been of such value as by the Declaration aforesaid is supposed, sayes, that the aforesaid W.C. ought not to have his action &c. because he saith, that one R.C. was Proprietor of these goods, and in the possession of them long before the aforesaid Plaintiffes had any thing in them: And so being Proprietor, and

and possessed (such a day, yeare and place) pawned to the aforesaid Plaintiffe, those goods and chattels for forty Marks of him the said Plaintiffe by him the said R.C. of loan receiued, under such a condition, that if the aforesaid R.C. should pay to the said plaintiffe the aforesaid forty Marks before the feast of the Birth of our Lord then next following; Then he the said Plaintiffe should re-deliver to the aforesaid W. those goods and chattels; otherwise he should keep them safe, until he should be fully satisfied, and paid the aforesaid forty Marks: By vertue of which said pawnings the said Plaintiffe was possessed of these goods and chattels under the condition aforesaid: And so being thereof possessed, the same goods and chattels further pawned to one W. G. for other forty Marks of him the said W. by him the said Plaintiffe of loan received, under such condition that the aforesaid W.G. those goods and chattels to them the aforesaid R.C.W.C. who should pay, and deliver those forty Marks to him the said W.G. should re-deliver; and sayes that these forty Marks to the aforesaid W.G. at the time when the Trespasse aforesaid was supposed to be made, were not paid; and fearing, and supposing the same goods and chattels could not be kept secure in the house of him the said VV.G. the same goods and chattels before the aforesaid feast of the Birth of our Lord at C. aforesaid delivered to him the said Defendant to be safely kept: And to him the said VV. G. when he should bee thereunto required to bee re-delivered; and sayes, that he contemned the keeping of those goods, knowing them to be his by wicked profit; and being unwilling for that cause to keep them any longer, the same goods and chattels at the time when the Trespasse aforesaid was above supposed to bee made, from a certaine chest, where in his house at C. aforesaid they lay, hee took; and to the house of the aforesaid VV. G. in the same Village he carried; and the same to him the said VV.G. then and there delivered; which said taking and carrying of the goods and chattels aforesaid by the cause aforesaid, are the same taking and carrying away of the aforesaid goods and chattels, of which the aforesaid Plaintiffe above now complaineth: And this, &c. VV. hereupon he prayes judgement, whether the Plaintiffe ought to have, or maintaine his action aforesaid against him, &c.

AND the aforesaid Plaintiffe not acknowledging any thing by the aforesaid Defendant before alleadged to be true, sayes, that hee by any thing afore alleadged, ought not to bee debarred from having his action aforesaid against him, for the aforesaid taking and carrying away the aforesaid goods and chattels, which the aforesaid Defendant above acknowledgeth, because he saith that the aforesaid R.G. the aforesaid (such a day and yeare) at C. aforesaid pawned to him the

ff 3.

*The Plaintiffe  
pleads that I.C.  
pawned the  
goods unto him,  
and payed not  
the summe for  
which they were  
pawned, and  
traueses this  
he pawned them  
in manner and  
said forme, &c.*

said Plaintiffe these goods and chattels for forty Marks of him the said Plaintiffe, by him the said R. of loan received, under such condition that if the same R. should pay to him the said Plaintiffe these forty Markes before the feast of the birth of our Lord then next following, then the same goods and chattels to him the said R. should be delivered, otherwise to the same Plaintiffe they should remaine as his proper goods and chattels to him by the aforesaid R. sold for the aforesaid forty Marks, and sayes that the aforesaid R. paid not to him the said Plaintiffe the aforesaid forty Marks before the aforesaid feast of the birth of our Lord: By which the same goods and chattels, the taking and carrying away whereof, the aforesaid Defendant above acknowledgeth to him the said Plaintiffe as his proper goods and chattels did remaine: And the aforesaid Defendant, the aforesaid time wherein the Trespasse aforesaid was supposed to be done, by force and armes of his proper injury the same goods and chattels at C. found, took, and carried away, as the same Plaintiffe above against him complaineth.

*Trespasse.*

Without that, that the same Plaintiffe pawned to the aforesaid W. G. these goods and chattels for forty Marks, as the aforesaid Defendant above alleadgeth: And this, &c. Whereupon for that the aforesaid Defendant above acknowledgeth the taking and carrying away of the goods and chattels aforesaid, he prayes judgement, and damages by occasion of the Trespasse aforesaid to be adjudged unto him, &c.

*Issue upon the Trespasse.*

**A**ND the aforesaid Defendant sayes, that the aforesaid Plaintiffe pawned to the aforesaid W. G. the aforesaid goods and chattels, the taking and carrying away whereof the same Defendant above acknowledgeth for forty Marks as the same Defendant hath above alleadged: And of this he puts himselfe upon the Countrey: And the aforesaid Plaintiffe in like manner, &c.

*Justification in Trespasse for killing Hogs and Sheep, as the servant of the Plaintiffe being a Butcher.*

**A**ND the aforesaid T. by W. T. his Attorney comes and defends the force and injury when, &c. and as to the coming by force and armes, and whatsoever is against the peace, &c. besides the killing of the Hogs and Sheep aforesaid, sayes, that he is not guilty: And as to the residue of the Trespasse aforesaid above supposed to be done, the same Defendant sayes, that the aforesaid Plaintiffe ought not to have his action aforesaid against him, because he saith, that hee all the time of that Trespasse supposed to be made, and long before, was servant of the aforesaid Plaintiffe to serve him in the service of a Butcher: And that the same Plaintiffe, before the time of the Trespasse aforesaid, supposed to be made at B, aforesaid commanded him the



the said Defendant that his servant in forme aforesaid the Hogs and Sheep aforesaid, the said time wherein, &c. as best conduced with his, and of a Butcher to kill, and the flesh thereof to put to sale: By which the same Defendant the Hogs and Sheep aforesaid, the aforesaid time wherein, &c. as best conduced to his art of a Butcher, he did kill, as it was lawfull for him to doe: And this, &c. Whereupon he prayes judgement whether the aforesaid Plaintiffe ought to have his action aforesaid against him, &c.

**A**ND the aforesaid Plaintiffe sayes, that he by any thing by the aforesaid Defendant before alleadged, ought not to be debarred from having his action aforesaid against him, because hee saith the aforesaid Defendant maliciously of his proper injury, the Hogs and Sheep aforesaid the said time wherein, &c. he killed.

Without that, that the same Plaintiffe commanded him the said Defendant to kill the Hogs and Sheep aforesaid in the forme wherein the same Defendant above by pleadings hath alleadged: And this, &c. Whereupon for that the aforesaid Defendant above acknowledgeth the Trespasse aforesaid, he prayeth judgement, and his damages by occasion of that Trespasse to be adjudged unto him, &c.

Trespasse

**A**ND the aforesaid Defendant sayes, that the aforesaid Plaintiffe commanded him the said Defendant to kill the Hogs and Sheep aforesaid in the forme wherein he the said Defendant above by pleading hath alleadged: And of this hee puts himselfe upon the Country: And the aforesaid Plaintiffe in like manner, &c. Therefore as well, &c.

Issue upon the Trespasse.

**A**ND the aforesaid W. by I. R. his Attorney comes and defends the force and injury when, &c. And as to the coming by force and armes, and whatsoever, &c. and the whole Trespasse aforesaid, besides the breaking of the Parke aforesaid, &c. yes, that he is in nothing thereof guilty, &c. And as to the breaking of the Parke aforesaid, the same Defendant sayes, that the aforesaid Plaintiffe ought not to have his action aforesaid against him, because he saith that within the Parke aforesaid, there hath been had, and time out of minde there was had a certain common high-way leading from the Village of A. unto the said Village of B. in the same County by the middle of the Park aforesaid for all men from the same Village of A. unto the same Village of B. by the same way for the same whole time willing to ride or walke, by pretext whereof the same Defendant, the said time wherein, &c. by the same common way within the Parke aforesaid, did ride from the same Village of A. unto the aforesaid Village of B. which said riding within the Parke aforesaid, is the same break-

Justification in a Trespasse for a horse or foot way leading from one Village to another.

ing

ing of the Park aforesaid, whereof the aforesaid Plaintiffe above now complaineth: And this, &c. VVhereupon, &c.

The Plaintiffe  
reples that hee  
did it of his  
proper injury.

AND the aforesaid Plaintiffe sayes, that he by any thing before pre-  
alleged ought not to be debarred from having his action aforesaid, against the aforesaid Defendant for the breach of the Park aforesaid, because he saith that the aforesaid Defendant, the aforesaid time wherein, &c. by force and arms of his own proper injury broke the Park aforesaid.

Traverse the  
prescription.

VVithout that, that there is had, or time out of minde there was had such a common high-way leading by the middle of the Parke aforesaid, as the aforesaid Defendant above by pleading hath alleadged: And this, &c. VVhereupon for this, &c. he prayes judgement, and his damages, &c. to be adjudged unto him, &c.

Issue upon the  
Traverse.

AND the aforesaid Defendant sayes, that there is had, and from the time out of minde there hath been had such a common high-way leading by the middle of the Parke aforesaid, as hee the same Defendant above by pleading hath alleadged: And of this he puts himselfe upon the Country, and the aforesaid Plaintiffe in like manner: Therefore the Jury thereupon is to come, &c.

Justification in  
Trespasse by  
deniall.

AND the aforesaid I. by I.R. his Attorney comes and defends the force and injury when, &c. And as to the coming by force and armes, or any thing, &c. as also the whole Trespasse, besides the breaking of the house aforesaid, sayes, that he is not guilty, &c. And as to the Trespasse aforesaid of breaking the house aforesaid above supposed to be done, the same Defendant sayes, that the aforesaid Plaintiffe ought not to have his action aforesaid thereupon against him, because he saith that the same Plaintiffe long before the same time wherein, &c. at Westminster in the County of Middlesex licensed him the said I. to enter into the house aforesaid: By which the same Plaintiffe long before the said time, wherein, &c. at Westminster in the County aforesaid, finding the doors of the house open, he peaceably entred that house as it was lawfull for him to doe, which is the same breaking of the same house whereof the aforesaid Plaintiffe above against him complaineth: And this he is ready to aver: VVhereupon hee demands judgement whether the aforesaid Plaintiffe ought to have his action against him, &c.

The Plaintiffe  
reples that hee  
did it of his pro-  
per injury, and  
traverses the  
deniall.

AND the aforesaid Plaintiffe sayes, that he by any thing pre-alleged, ought not to be debarred from having his action aforesaid of the breach of the house aforesaid, against the aforesaid Defendant, be-

because he saith that the same Defendant of his owne proper injury the said time wherein &c. by force and armes aforesaid the house aforesaid, he did in manner and form as the same Plaintiffe above against him complaineth.

Without that that the same Plaintiffe licensed the aforesaid Defendant to enter the house aforesaid, as the same Defendant above by pleading hath alledged; And this &c. Whereupon for that the same Defendant the Trespasse aforesaid above acknowledgeth, he prayeth judgement, and his Damages by occasion of that Trespasse, to be adjudged unto him, &c.

*Traverse?*

AND the aforesaid Defendant, as formerly saith, that the aforesaid Plaintiffe licensed him the said Defendant to enter into the house aforesaid in the forme wherein he the Defendant above by pleading hath alledged: And of this he puts himselfe upon the Country. And the aforesaid Plaintiffe in like manner &c. Therefore the Jury is to come betwene them, &c.

*Issue upon the Traverse.*

AND the aforesaid R.P. and I. R. by L.S. their Attorney come and defend the force and injury when, &c. And as to the coming by force and armes, and whatsoever which is against the peace of our Lord the King that now is, as also the Trespasse aforesaid of woundings supposed to be made, sayes, that he is in nothing thereof guilty: And as to the residue of the Trespasse aforesaid, above supposed to be done, the same R. and I. say, that the aforesaid W. ought not to have his action aforesaid against them, because they say that long before the said time wherein the trespasse aforesaid was supposed to be made, to wit, the tenth day of January, in the eighth yeare of the reigne of our Lord the King that now is, one I.S. at Norwich aforesaid, in his house there was feloniously spoiled and robbed of two silver Spoons to the value of 10 s. And that the aforesaid W. divers daies and times before the felony aforesaid made, frequented the house of him the said I.S. aforesaid suspiciously without any reasonable cause there to be had; And that the aforesaid W. R. the said time of the felony aforesaid done, was in the house of the aforesaid I.S. by which the same R. and I.R. had suspicion the aforesaid W. R. to have committed the felony aforesaid. And that the aforesaid R. and I. R. the same time wherein &c. being then Sheriffes of the City aforesaid, softly laid their hands upon him the said W. R. the same time wherein &c. And the same W. R. for suspicion of the Felony aforesaid the same time wherein &c. they tooke, and him the said W. to the Goale of our Lord the King within the City aforesaid

*Justification for that the Plaintiffe was suspected for a Felon*

said, there to be safely kept for the same Felony the said time wherein &c. they lead and imprisoned as it was lawfull for them to doe, which said softly laying on of their hands of them the said R. and I. R. upon the aforesaid W. R. and the taking of him the said W. R. and the leading and imprisoning of him out of the cause aforesaid, are the same assault, beating, and imprisonment whereof the aforesaid W. R. above complaineth. And this they are ready to aver, whereupon they pray judgement, whether the aforesaid W. R. ought to have his action aforesaid against them &c.

**A**ND the aforesaid Plaintiffe sayes, that he by any thing before alledged ought not to be debarred from having his action aforesaid against them, because he saith that the aforesaid R. and I. R. the day and yeare aforesaid of his own proper injury by force and armes, without any such cause by them the said R. and I. R. above by pleading alledged on him the said W. R. at *Normich* aforesaid they made an assault and him did beate, wound, imprison, and evill intreate in the manner and forme as the aforesaid W. R. above against them complaineth. And this he prayeth may be enquired of by the Country &c.

*Justification upon imprisonment and assault, by virtue of a warrant of the peace.*  
Mich. 8. Hen. 8.  
Rolle 77.

**Staff. ss.** **A**ND the aforesaid H. W. by W. F. his Attorney comes and defends the force and injury wherein &c. and as to the coming by force and armes or whatsoever is against the peace &c. not guilty, and as to the residue of the Trespasse aforesaid, above supposed to be done, the same H. sayes that the aforesaid R. ought not to have his action aforesaid against him, because he saith that long before the said time, wherein the trespasse aforesaid was supposed to be done on I. W. at *Stafford* in the County aforesaid came before R. W. then one of the Justices of the Peace of our Lord the King, assigned in the County aforesaid to be kept, and there tooke his corporall oath, that he grievously and manifestly went in danger of his life, and maiming of his members by the aforesaid R. C. By which he the same I. W. long before the said time wherein &c. at *Stafford* aforesaid, at the Petition of the aforesaid I. W. directed a certaine precept of our Lord the King to the aforesaid H. W. then being Bailiffe of R. and to the Constable of R. aforesaid: and to either of them jointly and divided commanding them, by that precept, that they cause to come the aforesaid R. C. before the aforesaid R. W. or one of his Companions, Justices of the peace of our Lord the King in the County aforesaid, to find sufficient security of the peace of our Lord the King, towards the Lord the King and all his people, and chiefly against the aforesaid H. W. to be given.  
And.



And if the same R.C. should refuse to doe this, then the same H. and the  
aforesaid Constable the same R.C. unto the next Goale of our Lord the  
King in the County aforesaid should cause to bee led, or one of them  
should cause to be led, there to stay untill he would freely doe this.  
By reason of which precept the aforesaid H. W. before the said time,  
wherein &c. did repair to the aforesaid R.C. at R. aforesaid, and shewed  
to the aforesaid R.C. there the precept aforesaid, then and there further re-  
quiring the same R. to find before the said R.W. or one of his companions,  
Justices of the peace of our Lord the King in the County aforesaid then  
being, to find security for bearing the peace of our Lord the King in form  
aforesaid, and the same R. this to do then at R. aforesaid, upon which  
the same A.W. him the said R. then and there the said time wherein,  
&c. arrested, and him in bringing towards the prison of our Lord the  
King at the Castle of *Stafford* in the County aforesaid, imprisoned by  
the time aforesaid, and his hands upon him the said R. in that arresting  
and leading did softly lay, as it was lawful for him to do; which said arrest  
and leading to the prison aforesaid, and laying hands upon him the  
said H. are the same taking imprisoning and ill handling, whereof the  
aforesaid R. above complains. And this &c. whereupon he prayes  
judgement whether the action &c.

**A**ND the aforesaid R. saies that he by any thing before alleadged  
ought not to be debarred from having his action aforesaid against  
the said H. W. Because by protestation not acknowledging any thing  
by the aforesaid H. above alleadged to be true, for plea he saith, that  
he before the time of the Trespasse aforesaid made, and the time  
wherein &c. offered the aforesaid H. to finde sufficient security before  
*T. Partridge*, then one of the Justices of the peace of our Lord the  
King, for the same County assigned to be kept according to the form of  
the aforesaid precept by the said I. W. to him directed, which to doe  
the same H. refused.

*The Plaintiffe  
replies that he  
offered security.*

Without that that the same R.C. refused to come before the Justices  
of the Peace in manner and form as the aforesaid H. hath above allead-  
ged: And this &c. whereupon for that the aforesaid H. the Trespasse  
aforesaid above acknowledged, he prayeth judgement, and his dama-  
ges by that occasion, to be adjudged unto him, &c.

*Traverse the de-  
nying to come be-  
fore the Justices.*

**A**ND the aforesaid H. sayes, that the aforesaid R. refused to come be-  
fore the Justices of our Lord the King, to find sufficient security in  
manner and forme as the same H. above hath alleadged; and of this he  
puts himselfe upon the Country. And the aforesaid R.C. in like manner  
&c.

*Issue upon the  
Traverse,*

*Justification by  
virtue of a com-  
mon Watch ac-  
cording to the  
forme of the  
Statute of  
Winchester.*

AND the aforesaid G. by I. W. his Attorney comes and defends the force and injury when, &c. And as to the committing by force and armes, and whatsoever is against the peace of our Lord the King, as also the whole Trespasse aforesaid, besides the assault and imprisonment above supposed to be made, sayes, that hee is not guilty, &c. And as to the assault and imprisonment supposed to be made, the same G. sayes, that the aforesaid T. ought not thereupon to have his action aforesaid against him, because he saith that in the Statute in the Parliament of Edward the first, late King of England, Progenitor of our Lord the King that now is at Winchester in the thirtieth year of his Reigne held, published amongst other things; It was ordained and established that watches should be made, as more anciently they were wont to be, that is to say, from the day of the Ascension of our Lord unto the feast of St. Michael the Arch-angel, that is to say, in each City by six men at each Gate of the same; and in every Town by twelve men, and in every entire Village by six or foure men, according to the number of the people inhabiting in them. And that the Watches should be kept by the whole night from the Sun-set, to the rising of the Sun, so that if any stranger should make his journey through them, he should be arrested until the morning following: And if no suspicion should be then found of him, that then hee should from thence goe quit, as in the same Statute more fully is contained: And further, the same G. sayes, that he at the time of the Trespasse aforesaid above supposed to be made, was dwelling in the said Village of W. together with other the inhabitants his neighbours about him in the same Village, were assigned to keep the Watches there, and sayes, that the aforesaid T. the time of the Trespasse aforesaid, supposed to be made, to wit (such a day, year, and place) came suspiciously to the Village aforesaid after Sun-set, and before the rising of the same, that is to say, about the houre of eleven in the same night: By which the same G. then came to the aforesaid T. and him at the same time where-in &c. he arrested and detained him with him untill the morning following, and compelled him to stay there, according to the forme of the Statute aforesaid, as it was lawfull for him to doe; which said coming unto, and detention by the cause aforesaid, in form aforesaid, is the same assault and imprisonment whereof the aforesaid T. above now complaineth: And this he is ready to aver: VVhereupon he prays judgement whether the aforesaid Plaintiffe ought to have his action aforesaid against him, &c.

*Middle*

*Middlesex* **A**ND the aforesaid C. *Crips*, and E. by T. R. their Attorney come and defend the force and injury when, &c. And as to the coming by force and armes: And whatsoever which is against the peace, &c. as also the whole Trespasse aforesaid besides the assault, beating, evill handling, and imprisonment by the space aforesaid supposed to be made, the same C. and E. say that they are in nothing thereof guilty, &c. And as to the assault, beating, evill handling, and imprisonment the same E. and C. say, that the aforesaid M. ought not to have her action aforesaid against them, because they say that the aforesaid M. long before the said time of the Trespasse aforesaid supposed to be made, was a publick notorious and common Whore, and had camall knowledge with many, and divers common men unknowne to him the said C. at many and divers times: And the same C. and E. say, that at the time wherein the Trespasse aforesaid was supposed to be made, and long before the same C. was Constable of our Lord the King in the aforesaid Parish of St. *Andrews*, and that before the said time of the Trespasse aforesaid supposed to be done, was given to understand by certaine of his neighbours, very carefull of keeping the peace of our Lord the King, and willing to avoid ill government, he being then Constable of our Lord the King, as aforesaid, that the aforesaid M. at the aforesaid Parish of St. *Andrews* then lay and lodged in bed with a certaine man unknowne to the same neighbours; and also that divers loose men and vagabonds, and very many unknowne persons made many brawlings, scoldings, cryings out, & uproars there between themselves, and strove together which of them should first have the camall knowledge of her the said M. and should then use her as their Whore. By reason of which information, he the said C. then there being Constable, as he was by oath bound, for the preservation of the peace of our Lord the King, and the avoyding of the premises, and the ill government aforesaid, repaired to a place in the Parish aforesaid, where then the aforesaid M. and other the men, vagabonds aforesaid, then were supposed to be, as to see if the same M. and the rest of the aforesaid men vagabonds behaved themselves there as hee was given to understand the aforesaid time, wherein the Trespasse aforesaid was supposed to be done: And the aforesaid Vagabonds perceiving afarte off the coming of him the said C. then being Constable, before he could approach unto them they fled away; so that the said C. could not arrest them; but the aforesaid M. with a certain man, to whom unknown in bed there (the aforesaid time wherein the Trespasse aforesaid was supposed to be done) he found lying like a whore at the Parish aforesaid: And because the same M. behaved her selfe then,

*Justification by a  
Constable for  
taking a Whore:  
Mich. 2. Hen. 8.  
Rot. 103.*

and sometimes before so evilly, and for that cause very many evil persons and disturbers of the peace of our Lord the King there, had often disturbed the Constable, and very many of the neighbours there: And she the said M. although oftentimes thereupon then, and before to desert from the premises by him the said Constable had been required, would not reforme, or justifie herself thereupon, neither by the law of God, nor the King: by which the same C. then being Constable of our Lord the King, and the aforesaid E. with the same C. her husband by his command coming to his help, their hands upon the aforesaid M. there so lodging in bed with the aforesaid unknowne man softly laid hand on, and took her from that bed, and her the said M. as well for her punishment, as to the terrour of other the like whores; whereas by the consideration and distinction of him the said C. then, and there in the Stocks according to the Law of the Land; they put, and kept by the space aforesaid, as it was lawfull for them to doe: which said laying on of their hands of them the said C. and E. on the aforesaid M. and the taking out of the bed aforesaid, as also the putting into the Stocks of the said M. are the aforesaid assault, beating, evil handling, and imprisonment, whereof the aforesaid M. by her bill above against them complaineth: And this they are ready to aver: whereupon they pray judgement, whether the aforesaid M. ought to have or maintaine her action aforesaid in this behalfe against them, &c.

*The Plaintiffe  
replies that it  
was done of  
their proper in-  
jury without  
any such cause.*

**A**ND the aforesaid M. sayes, that shee by any thing before pre-  
alleged, ought not to be debarred from having her action afore-  
said against them the said C. and E. of the aforesaid assault, beating,  
evil handling, and imprisonment, because she saith, that the aforesaid  
C. and E. the day and yeare above written by force and armes afore-  
said, of their proper injury without such cause by them the said C.  
and E. above alleadged on her the said M. at the aforesaid Parish of  
St. Andrews, they made an assault, and so did wound, evil intreat,  
and imprison by the space aforesaid in manner and forme as shee  
the same M. above against them complaineth: And this shee  
prayer may be enquired of by the Country: And the aforesaid C. and  
E. in like manner, &c.

*Justification of  
an imprisonment  
by virtue of the  
Statute of Va-  
grants and Va-  
gabonds of Rich.  
the second the 7.  
year of his reign  
Hil. 4. Hen. 3.  
Rolle 60.*

**A**ND the aforesaid I. H. in his proper person comes and defends the  
force and injury when &c. And as to the coming by force and armes  
as also the whole Trespasse aforesaid; besides the Imprisonment of the  
aforesaid R. S. the same I. H. sayes that he is not guilty &c. And as to the  
Imprisonment of the aforesaid R. the same I. H. sayes that the afore-  
said



saied R. ought not thereupon to have his action aforesaid against him, because he saith that by the Statute of the Lord the King *Richard* the second, late King of *England*, at *Westminster* in the seventh yeare of his reigne, by authority of the same Parliament, amongst other things it was Enacted, that all and singular Bailiffes of Liberties, Constables and other Officers of Villages where Vagrants and Vagabonds frequent, should have power diligently to examine them, and of compelling them to finde sufficient pledges by sufficient manucaptors for their good behaviours; And that if default be made in those Vagrants and Vagabonds, and that they cannot finde pledges, that then it shall be very lawfull for the aforesaid Bailiffes of Liberties, Constables and other Officers of Villages the same Vagrants and Vagabonds to commit to the next Goale of our Lord the King within the County aforesaid, where such Vagrants and Vagabonds frequent, there to remain til the coming of the Justices of our Lord the King for the Goal Delivery within that County where such Vagrants and Vagabonds are imprisoned; and that the same Justices shall doe with these Vagrants and Vagabonds, as to them shall seem expedient; And the same I. sayes that he, at the aforesaid time of the Imprisonment aforesaid above supposed to be made, was Bayliffe of our Lord the King of *St. Edmunds Bury* aforesaid. And for that that the same I. the aforesaid time of the imprisonment aforesaid, above supposed to be made, found the same R. a Vagrant and Vagabond at, and within the Village of *St. Edmunds Bury* frequenting; The same I. being then Bayliffe of the Liberty aforesaid, according to the forme of the Statute aforesaid, the aforesaid R. then and there did diligently examine; And as well for that upon the examination of the aforesaid R. it did sufficiently appear to him the said I. the said R. to be a Vagrant and Vagabond, as for that that the same R. the same time wherein &c. could not finde pledges, and sufficient Manucaptors for his good behaviour according to the forme of the Statute aforesaid; The same I. as Bayliffe of our Lord the King of the Liberty aforesaid according to the form of that Statute the aforesaid R. the aforesaid time wherein &c. to the aforesaid Goale of our Lord the King of *St. Edmunds Bury* aforesaid, he did commit there to, remaine untill &c. which said Goale is the next Goale of our Lord the King, near the aforesaid Village of *St. Edmunds Bury* aforesaid, which is the same Imprisonment of the aforesaid R. whereof the same R. above now complaineth; And this he is ready to aver, whereupon he prayes judgement whether the aforesaid R. ought to have his action aforesaid in this behalfe against him, &c.

AND

*The Plaintiff  
says that he  
dwells in the  
County of W. his  
Trade there ex-  
ercising.*

*Traverſes the  
being a Vagrant.*

**AND** the aforeſaid R. ſayes that he by any thing before alleadged ought not to be debarred from having his action aforeſaid againſt the aforeſaid I. becauſe he ſaith, that he the aforeſaid time of the imprisonment aforeſaid above made, was dwelling, converſant and Inhabiting at W. in the County aforeſaid, daily exerciſing the art called a Taylors craft.

Without that, that the ſame R. the aforeſaid time of the Imprisonment aforeſaid above made was a Vagrant and Vagabond in manner and forme wherein the ſame I. in his bar by pleading above hath alleadged; And this he is ready to averre, whereupon for that that the aforeſaid I. the Imprisonment aforeſaid above acknowledgeth, he prayes judgement and his damages by occaſion of that Imprisonment, to be adjudged unto him, &c.

*Iſſue upon the  
Traverſe.*

**AND** the aforeſaid I. as formerly ſaith, that the aforeſaid R. the aforeſaid time of the imprisonment aforeſaid above ſuppoſed to be made, was a Vagrant and Vagabond, as the ſame I. in his Barre above by pleading hath alleadged; And of this he puts himſelf upon the Countrey, and the aforeſaid R. in like manner, &c.

*Justiſe imprisonment as by ſeiſing of the Ward within age, for that the father ſold of him in Knights ſervice, Mich. 50. Hen. 6. Rolle 75.*

**AND** the aforeſaid R. L. by W. B. his Attorney comes and defends the force and injury when &c. And as to the comming by force and armes, and the wounding aforeſaid ſayes that he is in nothing thereof guilty, &c. And as to the reſidue of the Trespasse aforeſaid above ſuppoſed to be made, ſayes that no action &c. becauſe he ſaith that one W. C. was ſeiſed of one Meſſuage, and one hundred acres of Land with the appurtenances in H. in the County of L. in his Demefne as of Fee, and ſo being thereof ſeiſed, the ſame Meſſuage and Land with the appurtenances he held, of him the ſaid R. as of his Mannor of H. in H. aforeſaid in the County of L. by Knights ſervice, that is to ſay by Homage, Fealty, and Eſcuage of our Lord the King of 40 s. when it ſhall happen unto 10 s. and unto more, more, &c. and unto leſſe, leſſe, &c. And by doing ſervice of ſuite unto the Court of him the ſaid R. of his Mannor of H. aforeſaid, two times of the yeare by reaſonable warning to him the ſaid W. thereupon made, of which ſaid ſervices the ſame R. was ſeiſed, by the hands of the aforeſaid W. C. as by the hands of his true Tenant, and after and before the Trespasse aforeſaid, above ſuppoſed to be made, the ſame W. dyed of ſuch his Eſtate of, and in the Meſſuage and Lands aforeſaid with the appurtenances ſeiſed, after

ter whose death the same Messuage and Lands, with the appurtenances, did descend to the aforesaid H. as to the sonne and heire of the said W. which said H. as yet remaines within the age of one and twenty years: By which the same R. after the death of him the said W. at the time of the Trespasse aforesaid suppoled to be made, as the Keeper of him the said H. during his minority, by reason of his Tenure aforesaid, his hands softly upon the said H. at H. aforesaid, he laid, and the body of him the said H. by reason of the premise, he there seized and took, and in his custody by the time aforesaid he kept, as it was lawfull for him to do: which said seizing and taking of him the said H. and laying hands of him the said H. out of the cause aforesaid, and the keeping of him, are the same assault, beating, imprisoning, and evill handling, whereof the aforesaid H. above now complaineth: And this he is ready to aver: Whereupon hee prayes judgement whether the aforesaid H. ought to have his action aforesaid against him, &c. And the aforesaid H. sayes, that he by any thing before by him the said R. pre-alleged, ought not to be debarred from having his action aforesaid against him, of the assault, beating, evill handling and imprisonment aforesaid, because by protestation that the aforesaid W. did not dye seized of the aforesaid Messuage and Lands, for plea, he saith, that the same W. held six acres of Lands parcell of the aforesaid C. acres of Land at the time of the Trespasse aforesaid made of the said R. by fealty and rent of 20 d. by the yeare at the feasts of the birth of our Lord, and S. *Michael* the Arch-angel, by equall portions yearly to be paid for all services.

Without that, that the said W. held the aforesaid Messuage, and a hundred acres of Land, with the appurtenances, or any parcell thereof of the aforesaid R. by Knights service, in the forme wherein the same R. above by pleading hath alleadged: And this he is ready to aver: Whereupon for that, that the aforesaid R. above hath acknowledged, &c. he prayes judgement, and his damages, by occasion of that assault, &c. to be adjudged unto him, &c.

*Traverse the  
holding by  
Knights service.*

**A**ND the aforesaid R. sayes, that the aforesaid W. held the aforesaid Messuage, and a hundred acres of Land, with the appurtenances of the aforesaid R. by Knights service in the forme wherein hee the said R. above by pleading hath alleadged: And of this he puts himselfe upon the Country: And the aforesaid H. in like manner, &c. Therefore the Jury between them is to come, &c.

*Issue upon the  
Traverse.*

*Trespasse and  
assault against  
the man and  
wife, the man  
pleads not guilty  
and assault de-  
mies for his  
wife.*

**A**ND the aforesaid T. and A. by W. F. their Attorney come and defend the force and injury when, &c. And the aforesaid T. sayes that he is in nothing thereof guilty, &c. And of this he puts himselfe upon the Country: And the aforesaid H. and I. in like manner, &c. And the aforesaid T. and A. for the aforesaid A. say, that as to the coming by force and armes, or whatsoever, which is against the peace, &c. say, that shee is in nothing thereof guilty: And of this they put themselves upon the Country, and the aforesaid H. and I. in like manner: And as to the residue of the Trespasse aforesaid above supposed to be made, the same T. and A. for the aforesaid A. say, that the aforesaid H. and I. ought not to have their action aforesaid thereupon against them, because they say that the aforesaid I. the day and yeare aforesaid, on her the said A. at E. aforesaid made an assault, and her there would beat, wound, and evill entreat, unlesse she the said A. had then defended her selfe: And so the evill, if any to her the said I. then, and there happened, that was of the proper assault of her the said I. and in the defence of the said A. And, this the same T. and A. for the aforesaid A. are ready to aver: Whereupon they pray judgement whether the aforesaid H. and I. ought to have thereupon their action aforesaid against them, &c.

**A**ND the aforesaid H. and I. say, that they by any thing before pre-  
alleged, ought not to bee debarred from having their action aforesaid against the said T. and A. for that they say, that the aforesaid A. by force and armes of her proper injury, and without such cause by them above alleged, on her the said I. the day and year above written, made an assault, and her the said I. did beat, wound, and evill treat, as the same H. and I. above by their Writ and Declaration aforesaid against them complaine; And this they pray may be inquired of by the Country: And the aforesaid T. and A. for the aforesaid A. in like manner, &c.

*One Defendant  
pleades for  
assault demies,  
and the other  
justifies as per-  
suing a fray.*

**A**ND the aforesaid T. and R. by W. H. their Attorney come and defend the force and injury, when, &c. And as to the coming by force and armes, as also the whole Trespasse aforesaid, besides the assault, beating, and evill handling aforesaid, say, that they are in nothing thereof guilty: And as to the assault, beating, and evill handling, the same T. & R. say, that the aforesaid Plaintiffe ought not thereupon to have his action aforesaid against them, because the same T. sayes, that the aforesaid Plaintiffe the day and yeare aforesaid at A. aforesaid on him the said I. made an assault, and him then, and there would have beat, wound,



wound, and evill handle : By which the same T. himfelfe againſt the aforeſaid A. then, and there did defend : And the evill, if any to him the ſaid A. then, and there happened: That was of the proper affault of him the ſaid A. and in the defence of him the ſaid T. And the aforeſaid R. ſayes, that for that, that the aforeſaid A. the day and yeare aforeſaid at A. aforeſaid on the aforeſaid T. made affault, and him would have beat, wound, and evill handle, by which the ſame R. being then and there perſonally preſent for the preſervation of the peace of our Lord the King, left one of them the ſaid A. and T. ſhould doe any corporall hurt each to the other, he ſoftly laid his hands as well upon the aforeſaid A. as upon the aforeſaid T. to ſeparate them from being together: Which ſaid laying on of his hands out of the cauſe aforeſaid, is the ſame affault, beating, and evill handling, whereof the aforeſaid Plaintiffe above now complaineth : And this they are ſeverally ready to aver : Whereupon they pray judgement whether the aforeſaid Plaintiffe ought to have his action aforeſaid againſt them, &c.

**A**ND the aforeſaid Plaintiffe ſayes, that he by any thing by them the ſaid T. and R. before alleadged, ought not to bee debarred from having his action aforeſaid againſt them, becauſe he ſaith, that the aforeſaid T. and R. by force and armes of their owne proper injury, and without ſuch a cauſe by them above alleadged on him the ſaid A. at A. they made an affault, and him did beat, wound, and evill handle in manner and forme as he above by his Writ and Declaration ſuppoſeth: And this hee prayes may be inquired of by the Country : And the aforeſaid T. and R. in like manner, &c.

**A**ND the aforeſaid I. D. in his proper perſon comes, and defends the force and injury, when, &c. And as to the coming by force and armes, or whatſoever which is againſt the peace, &c. ſayes, that he is in nothing thereof guilty. And as to the residue of the Trespasse aforeſaid above ſuppoſed to be done, the ſame I. ſayes, that the aforeſaid T. ought not to have his action aforeſaid againſt him, becauſe hee ſaith that long after the Trespasse aforeſaid was ſuppoſed to be made, to wit, the firſt day of May in the two and twentieth year aforeſaid at M. aforeſaid, the ſame I. and T. by the mediation of R. D. and W. W. their friends, in a friendly manner coming between them, in ſuch manner it was agreed together between them, that is to ſay, that the aforeſaid I. ſhould pay to the aforeſaid T. in amends, and ſatisfaction of that Trespasse a Pottle of Claret wine, which ſaid I. the ſame Pottle of Claret wine to the aforeſaid T. then, and there paid according to the force, forme, and effect of the concord aforeſaid : And this, &c. Whereupon he prayes judgement, &c.

*An agreement  
pleaded in  
affault and bat-  
tery.*

*No such action  
pleaded*

**A**Nd the aforefaid I. H. faies that he by any thing pre-alleged ought not to be debarred from having his action aforefaid; becaufe he faith that there was never any fuch agreement had between them the faid I. H. and I. D. in manner and forme as the fame I. D. hath above alleged by pleading. And this he prayes may be inquired of by the Country, and the aforefaid J. H. in like manner &c.

*Justification of  
assault and bat-  
tery by a Vicar  
for disturbance  
in the Church.*

**A**Nd the aforefaid T. by R. B. his Attorney comes and defends the force and injury when &c. and as to the coming by force and arms, and whatfoever which is againft the peace &c. faies that he is not guilty, &c. and as to the residue &c. faies that the Plaintiff ought not to have his action aforefaid againft him; becaufe he faith that he is, and at time of the Trespasse aforefaid fupposed to be made, was Vicar of the Parifh Church of the faid village of S. And the aforefaid W. the fame time wherein &c. in the fame Church at evening prayers then there celebrated did prattle and talke fo loudly, that the fame evening prayers with that solemnity as it ought could not be celebrated; by which the fame T. as Vicar of the fame Church and Curate aforefaid, the fame VV. then and there did Canonically reprove, and by his authority in that behalfe admonifh that he would defift there-from; and the fame W. this to doe did contumeliously deny: By which the fame T. on the fame W. fo difobeying him as his Curate did foftly lay his hands upon him, and him out of that Church did foftly put out & remove, as it was lawful for him to do; which faid laying on of hands of him the faid T. on the aforefaid W. out of the caufe aforefaid, is the aforefaid affault, beating &c. of the fame W. whereof hee above againft the fame W. complaineth; and this &c. whereupon he prayes judgement whether the aforefaid W. ought in this behalfe to have his action aforefaid againft him, &c.

*The Plaintiffes  
reply, that he did  
it of his proper  
injury.*

**A**Nd the aforefaid Plaintiffe faies, that he by any thing before alleged: ought not to be debarred from having his action aforefaid againft the aforefaid T. Becaufe he faith that the aforefaid T. the day and year aforefaid of his proper injury, and without any fuch caufe by him above alleged, on him the faid W. at S. aforefaid, hee made an affault, and him did beate, wound, and evill handle, in manner and forme as the fame W. above againft him complaineth: And this he prayes may be inquired of by the Country, and the aforefaid T. in like manner, &c.

AND

**A**Nd the aforesaid S.P. by R.H. his Attorney comes and defends the force and injury when &c. and as to the coming by force and armes, or whatsoever which is against the peace, &c. as also the whole Trespasse aforesaid, beside the breaking of the Clofes and Houses aforesaid, and the assault aforesaid saies, that he is nothing thereof guilty &c. and as to the breaking of the Clofes and Houses, and the assault aforesaid the same S. sayes that the Plaintiffe ought not to have his action aforesaid against him; Because he saith that the Clofes, and Houses, as also the places in which the Trespasse aforesaid was supposed to be made, are, and the aforesaid time wherein &c. were seven Messuages and four Gardens with the appurtenances in the parishes of St. Sepulchers, and St. Martins, and St. Brigets aforesaid in the Ward aforesaid, of which said seven Messuages and foure Gardens before the said time wherein &c. one I. S. was seized of his demesne as of fee; and so being thereof seized before the said time wherein &c. thereof enfeoffed the aforesaid S.P. to hold for him and his Heires, for ever; By vertue of which Feoffement the same S. was thereof seized in his demesne as of Fee; and the aforesaid E. claiming the Tenements aforesaid with the appurtenances by colour of a certaine Deed or Demise to him thereupon made for terme of his life by the aforesaid J. S. long before the said Feoffement of the same Tenements with the appurtenances to the aforesaid S. in forme aforesaid made, were nothing of the same Tenements with the Appurtenances unto the possession of her the said E. ever passed into the same Tenements with the appurtenances before the said time wherein &c. and enter upon whose said E. her possession, thereupon the aforesaid S. the aforesaid time wherein &c. peaceably re-entred, and the Houses and Clofes brok, and upon the same E. then being there, softly laid his hands, and commanded her the said E. then and there to goe out of the Messuages and Gardens aforesaid, under the danger which by the Law otherwise might come to her the said E. as it was lawfull for him to doe. Which said soft laying on of hands, and entry, and breach of Clofes and houses aforesaid, out of the house aforesaid; is the same assault whereof the aforesaid E. above now complaineth; and this hee is ready to aver; whereupon he prayes judgement whether the aforesaid E. ought to have her action aforesaid against him, &c.

*Justifies the assault in the defence of his title to put the Plaintiffe out of the houses.*

And the aforesaid E. sayes, that she by any thing before pre-alleged, ought not to be debarred from having her action aforesaid against him, because she saith, that as to the aforesaid Plea of him the said D. of the assault, &c. aforesaid above pleaded, the same E. saith that the aforesaid S. the day and year in the said Declaration of her the said E.

above specified at *London* afore said in the *Parish* and *Ward* afore said, of his proper injury, and without any such cause by him the said *S.* in his *barre* afore said above alleadged on her the said *E.* made an assault, and her then and there beat, &c. in manner and forme as the same *E.* above by her *Writ* and *Déclaration* above against him hath declared. And this she prayes may be enquired of by the country. And the afore said *S.* in like manner, &c. And as to the afore said *Plea* of the afore said *S.* to the breaking of the *Closets* and *houses* afore said above pleaded, the same *E.* sayes, that long before the said *I. S.* had any thing in the *Tenements* afore said, with the *Appurtenances*, the same *E.* was of the same *Tenements* afore said, with the *Appurtenances* seized in her demesne as of *Fee*; Until the afore said *S.* her the said *E.* long before the trespasse afore said made unjustly, and without judgement disseised by which the same *S.* was of the same *Tenements*, with the *Appurtenances* seized in his demesne as of *Fee* by disseisin: and he by that disseisin being so, &c. The same *S.* before the said time wherein, &c. thereof enfeofed the afore said *I. S.* to hold to him and his heires prove: By vertue of which said *Feoffement* the said *I. S.* was thereof seized in his demesne as of *Fee*: And so being thereof seized before the said time, wherein, &c. thereof enfeofed the afore said *S.* to hold to him and his heires for ever: By vertue of which said *Feoffement* the same *S.* was of the same *Tenements* with the *appurtenances* seized in his demesne, as of *Fee*, in manner and form as the same *S.* above by pleading hath alleadged: Upon which the said *S. P.* his possession thereupon the afore said *E.* before the said time, wherein, &c. did enter, and was thereof seized in his demesne as of *Fee*; Untill the afore said *S.* the afore said time of the trespasse afore said made by *Force* and *Armes*, &c. the *Closets* and *houses* of her the said *E.* with the *appurtenances*, hee did break in manner and forme, as the same *E.* by her *Writ* and *Déclaration* afore said above, against him hath complained: And this, &c. Whereupon for that the afore said *S.* the *Trespasse* afore said above acknowledgeth, she prayeth judgement, and her damages by reason of that *Trespasse*, &c. to be adjudged unto her &c.

The Defendant  
maintaines his  
plea, and travers-  
ses the disseisin.

AND the afore said *S.* as formerly saith, that long before the said time wherein the *Trespasse* afore said is supposed to be made, the afore said *I. S.* was of the same *Tenements* with the *appurtenances*, seized in his demesne as of *fee*, and he being thereof seized before the said time, wherein &c. thereof Enfeofed him the said *S.* to hold to him and his Heires for ever, by vertue of which *Feoffement* the same *S.* was of the same *Tenements* with the *appurtenances* seized in his demesne, as of *Fee*, in manner and form as the same *S.* in his afore said above hath



hath alledged: Without that that the same S. dis-seized the aforesaid E. of the Tenements aforesaid with the appurtenances, as the aforesaid E. in her replication aforesaid above hath alledged: And this &c. whereupon hee prayes judgement, and that the aforesaid E. may be debarred from having her action aforesaid against him, &c.

Trespasse

And the aforesaid E. as formerly saith, that the aforesaid S. dis-seized her the said E. of the Tenements aforesaid with the appurtenances, as the same E. in her replication aforesaid above hath alledged, and this she prayes may be inquired of by the Country, and the aforesaid S. in like manner, &c.

Issue upon the Traverse,

And the aforesaid W. S. in his proper person comes and defends the force and injury when &c. and as to the coming by force and armes &c. as also the whole Trespasse aforesaid, besides the assault aforesaid sayes, that he is in nothing thereof guilty, &c. and as to the assault aforesaid, the same W. sayes, that the aforesaid plaintiffe ought not to have his action aforesaid against him; Because he saith, that before the time of the Trespasse aforesaid supposed to be made, to wit such a day and year at C. in the County of N. before T. C. Earle of Devonshire, then one of the Justices of the peace of our Lord the King in the County aforesaid assigned to be kept, came the same W. S. then and there before the same Earle, having taken his corporall oath upon the holy Evangelist, that he the same W. S. damage and corporall hurt to him the said W. S. by him the said W. C. and his companions upon him the said W. S. to be brought he did grievously dread and feare, the same W. S. then and there supplicating, that the same Earle him the said W. C. might be bound to put in sufficient security of the peace, keeping towards him the said W. S. and all and every the leige people of the Kings one in form of law, by pretext whereof the same Earle, a certain warrant under his seale to the Constable and Bailiffes of the Hundred of M. as also to R. N. H. H. and T. F. directed, he made and delivered, commanding them the said Constable and Bayliffes, and the aforesaid R. H. and T. joyntly and severally by the same warrant on the behalfe of our Lord the King commanding them that the same Constables, Bayliffes, R. I. &c. and every one of them, that they should cause to come the aforesaid W. C. before the aforesaid Earle, or any other Justice of the peace of our Lord the King in the aforesaid County of S. assigned to be kept immediately, for the finding sufficient security of the peace in forme aforesaid: And if the same W. C. so to doe, should refuse, then the same Constables, Bayliffes, and the aforesaid R. I. &c. or either of them the same

Justification by virtue of a Warrant of peace

same R. C. should cause to be brought to the Goale of our Lord the King of Y. in the same County of D. by force of that warrant, there to stay until the aforesaid W. C. should find the security aforesaid, according to what law requires in that behalfe; By which meanes the same R. carrying with him the warrant aforesaid, to him the said W. C. at H. aforesaid, the same day the Trespasse aforesaid was supposed to be made; And to him the said W. of the same warrant, and of the matter and effect of the same warrant, then and there before the same assault made, gave notice by vertue of the same warrant, then and there requiring the same W. C. that he the said W. C. before the said Earle, or other Justice of peace of our said Lord the King assigned to be kept in the same County, to find sufficient security of the peace in forme aforesaid, together with him the said R. he would goe; which said W. C. to doe this then and there refused, for which cause the same R. him the said W. C. then would have taken and arrested (but the same W. C. would not stay, nor obey that arrest) but at the same arrest then and there drew his sword, and also what in him lay offered to reſcue himſelfe from that arrest; By which the aforesaid R. and N. and the aforesaid VV. S. as the ſervant of him the said R. and by his command, at the time of the Trespasse aforesaid above supposed to be made, by laying their hands upon him the said VV. C. and compelling him the said VV. C. to stand to that arrest, him the said VV. C. then and there they took and arrested, as it was lawfull for them to doe; which said laying on of hands out of the cause aforesaid, is the same assault whereof the same VV. C. above againſt him complaineth: And this he is ready to averre, whereupon he prayes judgement whether the aforesaid VV. C. ought in this behalfe to have his action aforesaid againſt him, &c.

AND the aforesaid W. C. not acknowledging any thing by the aforesaid W. S. before alledged to be true, ſayes that he by any thing therein before alledged ought not to be debarred from having his action aforesaid, becauſe hee ſaith, that the aforesaid W. S. by force and armes of his owne proper injury on him the said W. C. did make an assault, and him did beate, wound, and evill handle in manner and form as he the said W. C. above by his bill hath declared.

Without that, that the same R. to him the said W. C. of the warrant aforesaid, or of the matter and effect of the same warrant before the time of the Trespasse aforesaid made, did give notice, as the aforesaid W. S. above by pleading hath alledged: And this he is ready to averre; whereupon for that the aforesaid W. S. the Trespasse and Battery aforesaid above acknowledgeth, he the said W. C. prayeth judgment and his damages by occasion of that Trespasse to be adjudged unto him, &c.

AND

Trespasses the  
notice of the  
WARRANT.

AND the aforesaid W. S. sayes, that the aforesaid R. to him the said W. G. of the Warrant aforesaid, and of the matter and effect of the same Warrant long before the time of the Trespass aforesaid, supposed to be made, did give notice in manner and forme as he the said W. S. above by his pleading hath alleadged: And of this hee puts himselfe upon the Country: And the aforesaid W. G. in like manner &c.

Issue upon the  
Trespasse.

*Middlesex* **R**. M. complains of I. H. in the custody of the Marshall, &c. for that he (such a day and year) by force and armes on him the said R. at *Westminster* in the County aforesaid hee made an assault, and him the said R. then & there beat, wounded & evil handled; so that of his life he did despair, and also so grievous a wound upon the upper part of the left shoulder of him the said R. then, and there put on him; so that the same R. by reason of the extraordinary effusion of blood out of the same wound flowing; and arising, fell into great sicknesses, and weaknesse of his body then, and there, and stood in great danger of losing of his life by reason thereof for a great time, that is to say, for the space of one month then next following: As also divers great summes of money for his healing and curing there in that behalfe, to lay out, and spend then, and there, was forced and compelled: And divers difficult businesse of him the said R. then to be done, and finished by the aforesaid space of one month remained undone: And other harmes, &c. Against the peace, &c. to the damage &c.

Declaration in  
assault and bat-  
tery.

AND the aforesaid I. H. by W. *Astrie* his Attorney comes and defends the force and injury when, &c. And as to the coming by force and armes, &c. sayes, that he is in nothing thereof guilty, &c. And as to the residue &c. sayes, that the aforesaid R. ought not to have his action aforesaid against him, because he saith, that after the aforesaid time wherein the Trespass aforesaid, was supposed to be made, to wit (such a day and year) I. E. in the County of *Norfolk* there was such an agreement had between the aforesaid R. and him the said J. to wit, that he the said I. should give to the aforesaid R. one Gallon of Sack in recompence and satisfaction of the Trespass aforesaid, which said Gallon of Sack, the same J. afterwards, to wit, the same day and yeare at S. aforesaid, gave to the aforesaid R. according to the forme and effect of the concord aforesaid: And which said Gallon of Sack, the same R. of the aforesaid I. in full recompence and satisfaction of the Trespass aforesaid then, and there accepted: And this he is ready to aver: Whereupon he prayes judgement whether the aforesaid R. ought to have his action aforesaid against him, &c.

Concord plead-  
ed.

The Plaintiff  
replies no such  
Contract.

**A**ND the aforesaid R. sayes that he ought not by any thing before pre-alleged to be debarred from having his action aforesaid against him, because he saith, that between him the said R. and the aforesaid I. there was not any such agreement had as the aforesaid I. above by pleading hath alleged: And this he prayes may be enquired of by the Country: And the aforesaid I. in like manner &c.

Against a But-  
cher for selling  
by deceitfull  
weights.

**L**ondon, **T**Ho. Smith complains of H. Vasey, for that that is to say, whereas the aforesaid Henry (such a day and year) and by many years then last past, was a Butcher, and by a great part of that time at London in the Parish, &c. the art of a Butcher so used and exercised, & accustomed to kill and dresse both Oxen and Cowes in the best manner behoved his art; and the flesh of them by Haverdepoys weight according to the Lawes of this Kingdome of England was wont, and accustomed for a great part of the time aforesaid, to put to sale, and utter to divers of the liege, and faithfull subjects of our said Lord the King, he the same H. afterwards at divers times, to wit, between the same such a day, &c. and the fifth day of May then next following at London in the Parish, &c. three hundred weight of Oxe beefe, not being according to the Lawes of England Haverdepoys weight to him the said T. he did falsely, and fraudulently put to sale, the aforesaid Henry faithfull affirming the weight by which he the said H. the aforesaid three hundred weight of Oxe beefe to him the said T. had sold as aforesaid, to be Haverdepoys weight according to the Laws of England, to the great deceit of him the said T. Whereupon he saith that he is worsted, and hath damage, to the value of 10 s. And thereupon he brings his suit. &c.

Justification in  
Trespasse for a  
Butcher's custome.

**A**ND the aforesaid I. Randal by I. S. his Attorney comes and defends the force and injury when, &c. and as to the coming by force and armes, he saith, he is in no wise thereof guilty: And as to the taking and driving away of the aforesaid two Cowes, he sayes, that the aforesaid A. ought not thereupon to have his action aforesaid against him, because he saith that long before the said time of the trespassse aforesaid supposed to be made, one N. Dering lately the husband of the aforesaid A. dead, was seized in his demesne, as of Fee of, and in two Tenements, whereof one Tenement called A. and the other Tenement called B. lying and being in L. aforesaid, in the aforesaid County of Southampton within the Hundred of Odbam: And that the same N. held the aforesaid Tenements with the appurtenances of the aforesaid John Randal by fealty, and a certaine rent by the yeare, that is to say,



say, the aforesaid Tenement called A. by fealty, and the rent of three shillings and four pence, and the other Tenement called B. by fealty, and the rent of one shilling and six pence; And further the same I. R. sayes, that within the Hundred of O. aforesaid there is had, and time out of mind there hath been had an ancient and laudable custome, that is to say, that within the Hundred of O. aforesaid, every Lord of every Tenant for the time being, after the death of every Tenant who dyed seized in his demesne as of fee, of any Lands, Tenements or Hereditaments within the same Hundred in manner and forme aforesaid, that is to say by fealty, and a certaine rent onely, should take the best living beast of the cattell of the same Tenant in manner and forme aforesaid dying, of which the same Tenant died possessed, for a Herriot for every such Tenant; and the same I. R. in fact saith, that the aforesaid N. after and before the said time of the Trespasse aforesaid above supposed to be made, to wit, the tenth day of *December* last past before the day of the obtaining of the Bill aforesaid, he the said I. R. being thereupon Lord, and the aforesaid N. Tenant of him the said I. R. within the aforesaid Hundred at the time of his death being, and of the aforesaid two Cowes being possessed at *Warblington* in the aforesaid County of *Southampton*, of the aforesaid two Tenements dyed in his demesne as of Fee seized, after whose the said N. his death, by reason of the premises, the aforesaid I. R. the aforesaid two Cowes of the best living beasts of the cattell of which the aforesaid N. dyed possessed for and in the name of Herriots, according to the aforesaid ancient and laudable custome of right used, and due, he took and drove away, as it was lawfull for him to doe; and this he is ready to averre, whereupon he prayes judgement whether the aforesaid A. ought to have her action aforesaid against him, &c.

**A**ND the aforesaid A. sayes, that she by any thing before alleadged ought not to be debarred from having her action aforesaid against him the said I. because by protestation that the aforesaid N. in his life time, held not of the aforesaid I. the aforesaid two severall Tenements called A. and B. by the services aforesaid, as the aforesaid I. above alleadgeth. And as to the taking of one Cow of the Cowes aforesaid, for a Herriot, for the aforesaid Tenement called H. the aforesaid H. by protestation saith, that within the Hundred of O. aforesaid, there is not had, nor time out of minde there hath not been had, any such ancient and laudable custome, that is to say, that the Lord of every Tenant for the time being, within the Hundred of O. aforesaid after the death of every Tenant, who dyed seized in his demesne as of fee of any Lands, Tenements, or Hereditaments within the same Hundred, should take the best living beast of the cattell of the same Tenant in

*The Plaintiffe  
pleads by  
protestation  
that as to the  
taking of one  
Cow no such cu-  
stome for plea  
de son tort De-  
mesne, and tra-  
verses the plea.*

manner and forme aforesaid dead, of which the same Tenant dyed possessed for a Herriot for every such Tenant; yet for plea, the aforesaid A. saies that the aforesaid J. the day and year aforesaid in the Declaration aforesaid above specified, of his own proper injury, and without such cause by him the said I. above by pleading alleadged, the Close of her the said A. aforesaid at L. aforesaid, he did breake, and the aforesaid one Cow of the aforesaid Cowes he took and drove away, in manner and forme as the same A. above against him complaineth.

*Traverse of the place.*

Without that, that the aforesaid Tenement called A. is within the Hundred of O. aforesaid, as the aforesaid J. above by pleadings hath alleadged; and this &c. whereupon for that that the aforesaid J. the taking of one Cow of the aforesaid Cowes taken for a Herriot for the aforesaid Tenement called A. above acknowledgeth, the same A. prays judgement, and her damages by occasion of the taking and driving away of that Cow to be adjudged unto her, &c.

*The Plaintiffe pleads as to the other Cow that the Defendant took the Cow de son tort demesne, and traverses the custom Traverse of the custome.*

And as to the taking of the other Cow of the aforesaid Cowes for a Herriot for the aforesaid Tenement called B. the aforesaid A. saies, that the aforesaid J. of his own proper injury, and without such cause by him above by pleading alleadged, the aforesaid day and yeare in the Declaration aforesaid above specified, the Close of him the said A. aforesaid, at L. aforesaid he did breake, and the aforesaid other Cow of the Cowes aforesaid he tooke and drove away in manner and forme as the same A. above against him now complains.

*Issues upon both Traverses.*

Without that, that within the Hundred of O. aforesaid, there is had, or time out of mind there hath been had any such laudable and ancient Custome, that is to say, that the Lord of every Tenant for the time being within the Hundred of O. aforesaid, after the death of every Tenant who should dye seized in his Demesne as of fee of any Lands, Tenements or Hereditaments within the said Hundred held by fealty and rent, should take the best living beast of the cattell of the same Tenant in manner and forme aforesaid dead, of which the same Tenant dyed possessed for a Herriot, for every such Tenant as the aforesaid I. above by pleading hath alleadged, and this &c. whereupon for that the aforesaid I. the taking and driving away of the aforesaid other Cow of the Cowes aforesaid above in like manner acknowledgeth for a Herriot for the aforesaid Tenant called B. the same A. in like manner prays judgement and her damages, by occasion of the taking of that Cow to be adjudged unto her, &c.

**A**ND the aforesaid I. as to the taking of the aforesaid one Cow of the Cows aforesaid, for a Herriot for the aforesaid Tenement called A. taken and driven away as formerly, saies, that the aforesaid Tenement called A. is within the Hundred of O. aforesaid, in manner and forme

as the same I above by pleading hath alleadged; And of this he puts himselfe upon the Country, and the aforesaid A. in like manner, &c. and as to the taking and driving away of the other Cow of the Cowes aforesaid for a Herriot for the aforesaid Tenement called B. the same I. as formerly sayes that within the Hundred of O. aforesaid is had, and time out of mind there hath been had any such &c. (as before in the last Traverse) in manner and forme as the same I. above in like manner by pleading hath alleadged; and of this in like manner the aforesaid I. puts himselfe upon the Country, and the aforesaid A. in like manner &c. therefore as well to the trying &c. the Jury thereupon is to come &c.

**A**ND the aforesaid W. and R. by R. D. their Attorney, come and defend the force and injury when &c. and as to the coming by force and Armes, or whatsoever which is against the peace, &c. as also the cutting, taking, and carrying away of a hundred Oakes, and two Ashes, and 80 Cart-load of under wood, of the aforesaid C. Cart-load of under-wood sayes, that they are in no wise thereof guilty; And of this &c. And as to the taking and carrying away of twenty Cart-load of the aforesaid C. Cart-load of under-wood residue, as also the whole residue of the Trespasse aforesaid above supposed to be made, they the same W. and R. say that the aforesaid E. ought not to have her action aforesaid against them, because they say, that the Close aforesaid, as also the places wherein the Trespases aforesaid are above supposed to be made, and at that same time wherein those Trespases were supposed to be made, were a certaine Wood called *Mylnehop Wood*, containing in it 60 acres of Wood with the appurtenances in M. aforesaid, and that long before the said time wherein &c. as also at the same time wherein &c. the aforesaid W. was seized of one Messuage, and twenty acres of Land with the appurtenances in M. aforesaid in his demesne as of fee, and that to the same Messuage and twenty acres of Land with the appurtenances, the same W. and all his Ancestors, and all they whose estate the same W. now hath and the aforesaid time wherein &c. had of, and in the aforesaid Messuage, and twenty acres of Land, with the appurtenances had, and from time out of minde were accustomed to have for themselves, their Farmers, and Tenants of the same Messuage, and twenty acres of Land with the appurtenances reasonable Estators in the aforesaid C. acres of Wood for their owne proper necessary fire-boot in the same Messuage of him the said W. to be spent and burnt as unto the same Messuage, and twenty acres of Land with the appurtenances belonging: By which he the same W. in his owne proper right, and the aforesaid R. as the servant of him the

*Justification of  
cutting of wood  
for Estators by  
prescription.*

*Fire-Boot.*

said W. the same time wherein, &c. in the aforesaid sixty acres of Wood, with the appurtenances, did enter: And the aforesaid twenty Cart-load of underwood residue, &c. for the aforesaid necessary fireboot of him the said W. according to the custome aforesaid, in the aforesaid Messuage to be spent and burnt, in the aforesaid sixty Acres of Wood, with the appurtenances then growing and uncut by using there the common of Estewors of him the said W. they cut downe, took, and carried away, as it was lawfull for them to doe: Which said entry into the aforesaid sixty acres of wood, with the appurtenances out of the cause aforesaid, is the same entring and breaking of the Close aforesaid: And which said cutting downe, taking, and carrying away of the aforesaid twenty Cart-load of underwood, residue of, and for necessary fireboot aforesaid, according to the custome aforesaid in the aforesaid place in which, &c. as aforesaid cut downe, taken and carried away are the same cutting, taking, and carrying away of the same twenty Cart-load of underwood, residue, &c. whereof the aforesaid E. above against them complains: And this they are ready to aver: Whereupon they pray judgement, whether the aforesaid E. ought to have her action aforesaid against them, &c.

**A**ND the aforesaid E. sayes that shce by any thing before alledged by them the said W. and R. ought not to be debarred from having her action aforesaid against them, because by Protestation, that the aforesaid sixty acres of wood with the appurtenances are, and the aforesaid time of the Trespasse aforesaid made, were, the sole and freehold of the aforesaid E.

*T. traverse of the  
Prescription.*

Without that, that the aforesaid W. and all they whose estate the same W. now hath, and the aforesaid time of the Trespasse aforesaid made, had, of, and in the aforesaid Messuage and twenty acres of Land, with the appurtenances have had, and time out of minde were accustomed to have for themselves their Farmers and Tenants of the same Messuage and twenty acres of Land with the appurtenances reasonable Estators in the aforesaid sixty acres of wood with the appurtenances for their proper and necessary fireboot in the said Messuage of him the aforesaid W. to be spent and burnt as unto the same Messuage, and twenty acres of Land with the appurtenances belonging, in manner and forme as the said W. and R. above by pleading have alledged: And this he is ready to aver: VWhereupon for that that the aforesaid W. and R. the Trespasse aforesaid above acknowledge, he prays judgement, and his damages by occasion of that Trespasse to bee adjudged unto him, &c. Issue taken upon the Traverse of the Prescription.

AND



AND the aforesaid Prior I. L. and I. F. by VV. C. their Attorney come and defend the force and injury when, &c. And as to the coming by force and armes not guilty, &c. And the aforesaid Prior, as to the residue of the Trespasse aforesaid sayes, that he is in nothing thereof guilty: And of this he puts himselfe upon the Country, &c. And the aforesaid J. L. and J. R. say, that the aforesaid J. B. ought not to have his action aforesaid against them, because they say, that long before the time of the Trespasse aforesaid supposed to be made, our Lord the King that now is, was seized of the Mannor, and Lordship of Leeds in his demesne as of Fee, within which said Mannor our Lord the King that now is, held his Court called a Court-Baron, as in right of his Mannor aforesaid from three weeks to three weeks, before his Steward for the time being there to be held; And sayes that our Lord the King, so being seized by his Letters Patents, whose date is the tenth day of *October* in the seventeenth yeare of his Reigne granted unto the aforesaid Prior, and Covent the custody of the Mannor and Lordship of Leeds aforesaid, with the appurtenances, and the joynting of the Parke there, To hold to him, and his successours from (such a day) next to come, unto the end of twenty years from thence next following fully to be compleat and ended, rendering therefore yearly to our said Lord the King in his Exchequer at the feasts of Easter, and St. Michael the Arch-angel by equall portions for the custody and joynting aforesaid 24 l. of lawfull money of England as they before had paid, and also sustaining the Closets and Edifices, and also supporting all other charges to the same Mannor belonging & appertaining so long as they should have the custody and joynting aforesaid: By vertue of which said Grant the same Prior and Covent were thereof possessed, long before the Trespasse aforesaid supposed to be made, and at the day of the Trespasse aforesaid supposed to be made: And they say also further, that long before the trespass aforesaid was supposed to be made, that is to say (such a day and year) one J. S. Knight before R. C. then Steward of the same Prior of his Court aforesaid, in the same Court brought a certaine plaint against the aforesaid I. B. of a plea of Trespasse, by force of which said plaint, the same Steward then, and there commanded a certaine precept to one VV. R. then Bayliffe of the Mannor aforesaid directed to attach the aforesaid I. B. by his goods and chattels within the Precinct of the same Mannor, to appeare before the aforesaid Steward at the next Court there to be held, that is to say, the second day of *September* then next following, to answer the aforesaid I. S. in his plaint aforesaid; by force whereof the same Bayliffe the aforesaid time of the Trespasse aforesaid supposed to be made: And the aforesaid I. L. and I. F. as the servants of the same Bayliff and by his command, the aforesaid I. B. by two Horses, and six Oxen aforesaid then in the place in which:

*The Defendants all plead not guilty as to the force and armes, and one as to the rest; And she other justifie by vertue of a Warrant.*

which, &c. which is within the Precinct of the Mannor aforesaid found, they did attach; And the same Oxen and Horses then there they impounded, and held impounded, as it was lawfull for them to do, which said taking, impounding and detaining of the Castell aforesaid out of the cause aforesaid, are the same Trespasse, taking, &c. of which the same I. B. conceives his action aforesaid, &c. Which all and singular they are ready to aver: Whereupon they pray judgement whether the aforesaid I. B. ought to have his action aforesaid against them &c.

*The Plainiffe  
replies that they  
did it of their  
proper injury  
without such a  
cause.*

**A**ND the aforesaid J. B. sayes, that he by any thing before alleadged, ought not to be debarred from having his action aforesaid against them, because he saith that the aforesaid I. L. and I. F. of their owne proper injury, and without such cause by them the aforesaid I. L. and I. F. above alleadged with force and armes aforesaid have made in manner and forme as he the said I. B. above against them complaineth: And this he prayes may be inquired of by the Country: And the aforesaid I. L. and I. F. in like manner, &c.

*Issue upon the  
Traverse.*

**A**ND the said I. M. as before, saith, That the said Tenements, with the appurtenances are, and from the time of the memory of man were customary Tenements and Lands, and demised, and demisable by Copy of Court Roll of the said Mannor, in manner and forme as the said I. M. before in pleading hath alleadged: And of this hee putteth himselfe upon the Country; And the said I. S. in like manner. Therefore, &c.

*Trespasse.*

## Trespasse upon the Case.

*Midd. ss.*



*Onaventure Ashby Gentleman, complaines of John Gifford Gentleman in the custody of the Marshall, &c. for that that is to say, whereas the aforesaid B. (such a day, year, and place) in the County aforesaid, was possessed of a Falcon reclaimed and tamed, of the price of 40 l. with two Belles to the value of 12 d. and two Varvils, in which the name of the aforesaid B. was inscribed to the value of 5 s. as of his proper goods and chattels: And the same B. so being thereof possessed, the Falcon aforesaid, with the Belles and Varvils aforesaid out of his hands and possession did casually lose, which said Falcon afterwards, that is to say (such a day, year and place) to the hands and possession of the aforesaid J. G. by finding came: And the aforesaid J. G. knowing the Falcon aforesaid to be the proper Falcon of the aforesaid B. & to him the said B. of right to belong and pertain, that Falcon although often required &c. to render or deliver, hath wholly refused: And that Falcon voluntarily hath used and handled so ill, so that that Falcon by the ill usage and handling aforesaid afterwards (to wit, such a day, year, and place) dyed, to the damage of him the said B. 40 l. And thereupon he brings his suit, &c.*

*Declaration in  
Trove, of a  
reclaymed Fal-  
con.  
Pasch, 19. Eliz.  
Rol. 499.*

*Judgement had  
for the plain-  
tiffe and dam-  
ages, 18 l. 16 s.  
and 8 d.*

*Sf. A B. complaines of W. B. in the custody of the Marshall, &c. for that, that is to say, whereas the aforesaid W. did knowingly keep and retaine a certaine Dog accustomed to bite sheep at M. in the County aforesaid, which said Dog too Ew-sheep, and ten lambs of him the said A. to the price of 4 l. at M. aforesaid, found (such a day, and year, and place) did so grievously bite, that those sheep, and lambs by the biting of the Dog aforesaid, then, and there dyed: Whereupon the same A. saith, that he is worse, and hath damage to the value of 30 l. And thereupon he brings his suit.*

*Declaration for  
keeping a dog  
accustomed to  
bite sheep.*

*The like with  
some additions.*

*Sf.* **B** F. complains of R. W. in the custody of the Marshall, &c. for that, that is to say, whereas the aforesaid R. (such a day, year, and place) a certaine Dog accustomed to bite sheep he knowingly retained, which said Dog, the day, and year aforesaid at H. aforesaid the sheep, that is to say, a hundred and fifteen Ewes, and eighty Weathers of him the said B. did chase and bite, so that by the chasing, and biting, eighty of the Ewe sheep of the sheep aforesaid of the price of 40 l. dyed, and forty of the Weathers aforesaid of the price of 30 l. dyed in like manner: And the residue of the aforesaid Ewe sheep great with young, cast their lambs abortive: And the residue of the Weather sheep were much worsted: And other harmes &c.

*Declaration upon  
warranty of a  
Hawk.*

*Norfolk* **H** Enry Darcy Knight complains of Iohn Leigh Gentleman in the custody of the Marshall, &c. for that, that is to say, whereas the aforesaid I. (such a day, year, and place) in the County aforesaid, in consideration of 5 l. 2 s. and 6 d. of lawfull money of England to him the said I. by the aforesaid H. before hand payed, had bargained and sold to the aforesaid H. a certaine Hawk, called a Gof-hawk, the same I. in consideration thereof then, and there warranted the Gof-hawk aforesaid to him the said H. to be sound, and in good health: whereas in truth that Gof-hawke then, and there was troubled with divers great infirmities, and much grieved, of which said infirmities the Hawke aforesaid (such a day) then next following at O. aforesaid dyed: By which the same I. at O. aforesaid the aforesaid H. of the Hawk aforesaid, and of the aforesaid 5 l. 2 s. and 6 d. against the forme of the Warrant aforesaid falsely and fraudulently deceived to the damage of him the said H. twenty Marks: And thereupon he brings his suit, &c.

*Declaration for  
making of a  
hauke, by which  
the Plaintiffes  
land was  
d. owned.*

**A** B. complains of I. P. the elder, and I. P. the younger in the custody of the Marshall, &c. of a plea wherefore whereas a certain course of water called C. ought to run in a certaine stream at C. in the County aforesaid for the serving of the Lands and Tenements, near the Water-course aforesaid, the aforesaid I. and I. nor ignorant of the premises, plotting the aforesaid A. to worse and hurt in his Lands and Tenements goods, and chattels, a certaine banke on crosse the Water-course aforesaid at C. aforesaid they made, by reason of which the water aforesaid was hindered of his course aforesaid; By which six hundred acres of Pasture of his the said A. neer adjoying to the VVater-course aforesaid was so extraordinarily drowned, that the same A. the profit of that his pasture for a great time he lost: VVhereby he sayes he is worsted and hath damage, &c.



SS. **W**. J. Mercer complains of T. B. in the custody of the Marshall, &c. for that whereas the same T. (such a day, year, and place) a certaine horse of his the said W. of the price of 15 l. to have kept in the Stable of the aforesaid T. and there to be fed and dressed, and that horse safely and soundly to be kept, and to him the said W. when he should be thereunto required to be redelivered, and in consideration of a certaine summe of money between them agreed upon, that is to say, for every day and night. as long as the horse aforesaid, with the aforesaid T. as is aforesaid should happen to be three pence at London aforesaid, in the Parish and Ward aforesaid, had assumed upon himselfe, yet the aforesaid T. plotting the aforesaid W. falsely, deceitfully, and fraudulently in that behalfe to deceive and defraud the horse aforesaid, although often required &c. to the aforesaid W. he hath not re-delivered, but that horse afterwards, to wit, (such a day, and year, and place) to a certaine unknowne man for 24 s. to him the said T. in hand payed, falsely, craftily, and deceitfully he there sold, and the money thereof comming to his own proper use he there converted, disposed to his damage 30 s. &c.

*Declaration against an Innkeeper for selling his guests horse.*

Ebor. ff. **T**. F. was attached to answer A. F. of a plea wherefore whereas the same A. had bargained to buy twenty Oxen of the aforesaid B. T. at B. the same T. knowing these Oxen to be fallen into divers diseases and infirmities; these Oxen by warranting them to be sound and in good health for a great sum of money, the Oxen aforesaid to the aforesaid A. he falsely and fraudulently here sold to the damage of him the said A. 40 l. as he sayes; And whereupon the same A. by S. L. his Attorney complains, that whereas the same A. (such a day and yeare) had bargained to buy of the aforesaid T. twenty Oxen at B. the same T. knowing these Oxen to be fallen into divers diseases and infirmities, that is to say, of (such a disease) those Oxen for a great summe of money, that is to say, for 60 l. (warranting them to be sound and in healk) then and there sold falsely and fraudulently, whereupon, hee saith, that hee is worsted and hath damage to the value. &c.

*Declaration upon warranty of cattle.*

**A**ND the aforesaid T. by W. B. his Attorney comes and defends the force and injury when, &c. by protestation, that he the time wherein it is supposed the aforesaid A. with him the said T. for the Oxen aforesaid to have bargained, had no Oxen but what were sound and in good health; and that he sold not to him the said A. the aforesaid twenty Oxen, for plea he saith that he did not warrant the same Oxen to be sound and in good health, as the same A. by his Writ and Declaration

above supposed: And of this hee puts himselfe upon the Country:  
And the aforesaid A. in like manner.

*Action of the  
case upon a pro-  
mise upon a  
bargaine.*

*Snr.* **T**. B. complains of VV. R. and VV. B. Tanners in the custody of the Marshall, &c. for that whereas the same W. & W. (such a day, and year, and place) had agreed with him the said T. to buy of him the hides and skins of all and singular the Oxen, Horses, Cowes, and Calves, which he the said T. from the aforesaid (such a day) untill (such a day) then next following should happen to kill or slay, the aforesaid W. and W. in consideration thereof did assume upon themselves, and unto him the said W. W. did then, and there faithfully promise, that they the said W. and W. would well, and truly pay to him the said T. for every hide of each such Oxe or Heifer by him the said T. within the time aforesaid, killed, or slaine, and by the same T. to them the said W. and VV. within that time delivered 3 s. 4 d. and for every hide of a Cow by him the said T. within the time aforesaid, killed, and as aforesaid delivered two shillings: And for every dozen of the Calves skins by him the said T. within the time aforesaid as is aforesaid killed and delivered foure shillings; By reason of which said promise and assumption of them the said VV. and W. in forme aforesaid made, he the said T. B. five hundred and three hides of Oxen and Heifers, two and fifty hides of Cows, and fifty dozen of Calves skins by him the said T. within the time aforesaid killed, according to the forme of the bargaine aforesaid to the aforesaid VV. and W. at divers dayes and seasons within the time aforesaid at S. aforesaid, he did deliver, the true value and price of all the hides and skinnes aforesaid in forme aforesaid delivered according to the bargaine aforesaid, doe amount unto the summe of 88 l. 16 s. and 10 d. And the aforesaid T. B. trusting to the true and faithfull payment of them the said W. & W. of the aforesaid 88 l. 16 s. and 10 d. at the aforesaid (such a day) according to the bargaine aforesaid to him faithfully to be paid and contented (such a day, yeare, and place) had assumed upon himselfe, and faithfully promised to one R. B. and divers other persons to whom the aforesaid T. was then indebted, to pay them the like summe of money, yet the aforesaid W. and W. not ignorant of the premises, knowing the aforesaid T. to have promised the payment of the aforesaid summe of 88 l. 16 s. and 10 d. to the aforesaid R. B. and divers other persons to whom he, as aforesaid, then stood indebted, plotting and contriving him the said T. in that behalfe craftily, and subtilly to deceive and defraud, although they the said W. and W. (such a day and yeare) and often afterwards at S. aforesaid, have beene required to pay to him the said T. B. the aforesaid 88 l. 16 s. and 10 d. according to the bargaine aforesaid, to him the

the said T. B. hitherto they have not paid, nor either of them haeh paid; by reason whereof hee the said T. B. his day of payment with the aforesaid R. B. and divers other persons to whom hee the said T. B. as aforesaid then stood indebted, in no wise could keepe: And so the same T. B. of his fidelity, trust, and credit in his name, and the businesses wherein with the same R. and other honest persons he was used to have in buying, selling, and lawfully bargaining, hee stands much hurt, worsted, and lessened; and in very many other troubles, charges, and expences, by that occasion burdened, wearied, and vexed to his damage 150 l. And thereupon hee brings his suit, &c.

**I** H. complains of N. B. in the custody of the Marshall, &c. for that that is to say, whereas the aforesaid N. plotting and subtilly intending him the said I. to defraud, and deceive, and divers great summes of money from him the said I. fraudulently and subtilly to obtaine, did (such a day, yeare and place) intice, stirre up, and procure him the said I. to play at Dice with him the said N. at a certaine play at Dice called (Five or Nine) for divers summes of money: By whose said N. his inticement, and stirring up, hee the said I. with the aforesaid N. at Dice at the play aforesaid, called Five or Nine, certaine Dice truly marked, and even to him the said I. he did then, and there deliver to them withall: And when these Dice in course happened to come to the hands of him the said N. hee the said N. these true Dice then, and there subtilly and fraudulently he withdrew, and certain other false Dice, on which the numbers of Five or Nine by any chance could never happen, subtilly, falsely, and fraudulently, he then, and there cast downe, and with the same false Dice, hee then, and there played, by reason of which he the said I. great summes of money, in the whole amounting to 4 l. 6 s. and 8 d. of lawfull money of England to the aforesaid N. at that play he then, and there lost, and thereupon by the aforesaid N. subtilly, fraudulently, and covinously was deceived and defrauded; to the damage of him the said I. 50 l. And thereupon hee brings his suit. &c.

*Action of the  
case against one  
for playing with  
false Dice.*

**R** Ichard Morley complains of Iohn Clarke in the custody of the Marshall, &c. for that whereas he the said R. (such a day, yeare, and place) was possessed of a certaine writing obligatory; with the seale of him the said I. C. signed, and (such a day, yeare, and place) before G. D. then Mayor of the City aforesaid, and I. B. Gentleman, then Clarke, deputed for the taking of acknowledgements of Recognizances of debts in the same City, by which the aforesaid I. C.

*Action of the  
case upon tro-  
ver of a Re-  
cognizance.*

by the name of J. C. of, &c. acknowledged himselfe to owe unto the said R. by the name of R. M. of, &c. 200 l. of lawfull money of *England* to bee paid to him the said R. M. at the feast of the Nativity of St. *Iohn Baptist* then next following) as of his proper writing: And he being thereof possessed, hee the said R. that writing afterwards, to wit (such a day, yeare, and place) out of his hands; and possession hee did casually lose, and let goe, which said writing so lost, afterwards, to wit (such a day, yeare, and place) to the hands and possession of the aforesaid I. C. by finding came, yet the aforesaid I. C. knowing the writing aforesaid, to bee the proper writing of him the said R. and to him the said R. of right to belong and pertaine, plotting, and contriving him the said R. wholly to debarre and exclude from the recovery of the aforesaid two hundred pound; That writing to him the said R. although afterwards, to wit (such a day, yeare, and place) hee hath beene thereupon required, hee hath not delivered, but that writing to deliver to him the said R. hitherto hee hath altogether refused, and the writing aforesaid, and the profit thereupon comming; afterwards, to wit (such a day, yeare, and place) to his the said I. C. proper use and profit hee hath converted, and disposed, to the damage of him the said R. three hundred pound: And thereupon hee brings his Suit, &c.

*Trover for a  
Ring.*

*Suit.* **I** G. complains of G. C. in the custody of the Marshall, &c. for that, that is to say, whereas the same I. (such a day, yeare, and place) was possessed of a certaine gold Ring, and one precious Stone, called a Puffyn, set and infixed in the same Ring, as of his owne proper Ring: And so as in other Actions of Trover.

*The Defendant  
pleads he bought  
it in open Mar-  
ket.*

**A**ND the aforesaid G. C. in his proper person comes and defends the force and injury when, &c. And sayes, that the aforesaid I. ought not to have his action aforesaid against him, because by protestation, that the aforesaid Ring, the aforesaid time wherein, &c. was worth but seven shillings, and no more: And that the aforesaid I. was not thereof possessed, as of his proper goods, and chattels in manner and forme as the same I. above against him complaineth: For Plea he saith, that the City of *London* is an ancient City of our Lady the Queen, and of her Progenitors late Kings of *England*: And that within the same City there is had, and from time out of minde there hath been had a certaine publicke and open Market in every open place within the same City weekly every day in the week (the Lords day onely excepted) for all manner of persons to buy and sell



sell whatsoever matters and merchandizes within the City aforesaid, in every part of the same City in all open places and shops of the City aforesaid, every day in the week (the Lords day onely excepted) from the rising of the Sunne to the setting of the same: And that long before the said time, wherein, &c. to wit (such a day and yeare) one R.A. was possessed of the Ring aforesaid at the City of London, in the Parish of St. Botolphs in the Ward of Aldersgate London: And so being thereof possessed, afterwards, to wit (such a day and yeare) at such a place in the Parish and Ward aforesaid, that is to say, about ten of the clocke before noon of the same day in a certaine open shop there in a certaine place called Little-Britain in the Parish and Ward aforesaid, the same Ring then thgre being sold to him the said G. for seven shillings, to him then by the aforesaid G. paid: By vertue of which said sale in forme aforesaid made, the aforesaid G. was of the Ring aforesaid possessed as of his proper Ring: By which he the said G. the Ring aforesaid the time wherein, &c. to his owne proper use and profit, as it was lawfull for him to doe: And this he is ready to aver, whereupon he prayes judgement whether the aforesaid .I. ought to have his action aforesaid against him.

**A** *Nne* Lady G. complains of M. N. in the custody of the Marshall, &c. for that, that is to say, whereas the same Lady A. (such a day and yeare) and long before, and continually after hitherto, was seized in demesne as of Fee, of, and in the Mannor of S. with the appurtenances in the County of C. whereof a great peece of Land containing a hundred acres called the Warren is, and time out of minde was parcell: And whereas also the same Lady A.G. and all they whose estate she now hath, of, and in the Mannor aforesaid, with the appurtenances from time out of minde were used to have a free Warren of Conies in the aforesaid hundred acres of Land called the Warren: And the aforesaid Lady A. of the Mannor aforesaid, and the aforesaid hundred Acres of Land called the Warren being seized, as aforesaid, had conference with divers persons of, and for the sale of the Mannor aforesaid, and Warren aforesaid, with the appurtenances, and thereupon might have had divers great summes of money for the Mannor and Warren aforesaid, yet the same M. not ignorant of the premities; plotting and contriving her the said Lady A. greatly to disturbe and vex: And to bring into scandall, and ignominy the right title and interest of her the said Lady A. of, and in the Mannor and Warren aforesaid, with the appurtenances (such a day, yeare, and place) to very many of the faithfull subjects of our Lady the Queene, and chiefly to I. P. Esquire, who had conference with the same Lady A. of, and

*Action of the  
case for scandall-  
ling of a title.*

for the purchasing of the Mannor and Warren aforesaid, with the appurtenances, and who then intended to buy the same Mannor and Warren with the appurtenances of the same Lady A. falsely and maliciously spoke, pronounced and published that one R. G. then was the true Lord and Proprietor of the third part of the aforesaid hundred acres of Land and Warren aforesaid, with the appurtenances: And that she the Lady A. G. had no good right, state, title, or interest in the same third part of one hundred Acres of Land and Warren aforesaid: Whereas in truth the aforesaid R. G. then was not Lord or Proprietor of the aforesaid third part of the one hundred Acres of Land and Warren aforesaid, nor of any parcell thereof, but the same Lady A. was, and yet is, the true and sole Lady, and Proprietor of the whole hundred Acres of Land and Warren aforesaid, with the appurtenances, and thereof sole seized in her demesne as of Fee. By reason of which said false speaking, asseveration, and publication, the aforesaid state, title, and interest of her the said Lady A. in the Mannor and Warren aforesaid with the appurtenances, are fallen into great scandal and ignominy: And the aforesaid J. P. who would have given for the Mannor and Warren aforesaid, with the appurtenances to be purchased from the aforesaid Lady A. two thousand pounds, and had offered to purchase the Mannor and Warren aforesaid of the same Lady A. hath thereupon now refused to give any manner of summe for the same to her the said Lady A. and as yet refuseth, nor by that meanes can the same Lady A. the same Mannor and Warren aforesaid, with the appurtenances, nor any parcell thereof be able to sell to any person for any compleat summe of money, to the damage of her the said Lady A. five hundred pounds, and thereupon shee brings her Suit, &c.

*Action of the  
Case against the  
Bayliffe of a Li-  
berty in the na-  
ture of an escape*

**E**W. complains of J. Person Bayliffe of the Liberty of *Thomas Wentworth* Knight, Lord *Wentworth* of his liberty of *Stepney* in the County aforesaid in the custody of the Marshal, &c. for that that is to say, whereas one R. E. Citizen, &c. was indebted to him the said E. W. in 9 l. 13 s. and 4 d. of lawful money of *England* for nine pound of black stitching silk to him the said R. E. by the aforesaid E. W. formerly delivered, to be paid to him the said E. W. upon such a day then next following: And whereas also the aforesaid E. W. for the recovery of the debt aforesaid, for that the aforesaid R. E. (the aforesaid such a day and year) the aforesaid 9 l. 13 s. and 4 d. to the aforesaid E. W. had in no wise paid or contented out of the Court of her the said Lady, the Queen before her the said Lady the Queen at *Westminster* in the County of *Middlesex* had procured a certain precept of her the said Lady the Queene directed

directed to the Sheriffs of Middlesex. By which the same Lady the Queen commanded the aforesaid Sheriffs, that they should take the aforesaid R. E. if &c. And safely, &c. So that they might have his Body before our Lady the Queen at Westminster (such a day) to answer the aforesaid E. W. of a Plea of Trespasse. By vertue of which said precept A. Avenon and H. Baskersfield at that time Sheriffs of the said County of Middlesex afterwards to wit, (such a day, and yeare, and place) on the behalfe of our Lady the Queen commanded the aforesaid I. then Bayliffe of the Liberty aforesaid, that he should take the aforesaid R. E. if, &c. And safely, &c. So that he might have his Body before our Lady the Queen at Westminster the aforesaid Friday next after the Morrow of the holy Trinity to answer the aforesaid E. W. of the Plea aforesaid. Which said Bayliff, by vertue of the Precept aforesaid afterwards to wit (such a day and yeare aforesaid at Mile-end in the aforesaid County of Middlesex; within the Liberty aforesaid, took and Arrested the aforesaid R. E. And him the said R. E. under that Arrest by the space of five daies thence next following, he then and there had and kept. And whereas also in the aforesaid Court of our Lady the Queen, held before her the said Queen there was, and time out of minde was had such a Custom that every party appearing a Defendant in the same Court under Arrest of any Sheriff or Minister, by vertue of any such like precept, should be bound to answer as well the Plaintiff in the same precept specified, as all and singular other the Subjects of our Lady the Queen, complaining against such person of and in all and singular Actions, Suits, and Playnts of Debt or Trespasse, which any such like Subjects of our Lady the Queen, would prosecute against any such like Defendant so appearing in the same Court, yet the aforesaid I. not ignorant of the premises, plotting the aforesaid E. W. of his debt aforesaid to defraud, hath neither returned the Warrant aforesaid of the aforesaid Sheriff, nor hath brought in the Body of the aforesaid R. E. but the same I. afterwards to wit, (such a day, yeare and place) permitted the aforesaid R. E. to go at large, whether he would, without any appearance had or made in the said Court, he the said E. W. being in no wise satisfied of his Debt aforesaid. And the aforesaid R. E. afterwards fled to places, to the aforesaid E. W. altogether unknown, by which the aforesaid, E. W. is wholly defrauded of the Recovery of his Debt aforesaid to the damage of him the said E. W. of 20.l. And thereupon he brings his Suit, &c.

*Action of the  
case against one  
for binding  
the Steward  
from keeping  
Court.*

**T.** D. Esquire Complaines of *G. S.* in the custody of the Mar-  
shall, &c. for that, that is to say, whereas the aforesaid *T.*  
(such a day & year) was seised & yet remains seised in his demesne  
as of fee of and in the Mannor of *R.* with the Appurtenances Scitu-  
ate and being at *R.* in the aforesaid County of *D.* And the same  
*T. D.* and all they whose Estate the same *T.* now hath of and in  
the Mannor aforesaid with the Appurtenances have had and held,  
and of right ought to have and hold a Court Baron at that Mannor  
from three weeks to three weeks. By vertue whereof, the aforesaid  
*T. D.* not only diverse gaines, profits and Commodities, by  
reason of the Court aforesaid from time to time got and obteyned,  
but also diverse Neighbourly agreements and friendships which be-  
tween the Tenants and Suitors of the Court aforesaid, and the a-  
foresaid *T.* interchangeably by the keeping of that Court di-  
verse wayes did increase, arise, and were preserved.

And whereas also the aforesaid *T. D.* (such a day and yeare and  
place) to being seised of the Mannor aforesaid with the Appur-  
tenances in his demesne as of fee intended and endeavoured to hold  
a certaine Court Baron by one *W. M.* then being his Steward of the  
Mannor aforesaid, for that within three weeks then last past, no  
Court Baron had there been held, and by publick Proclamation in  
the presence of *E. D.* and *I. B.* Tenants of the Mannor aforesaid, and  
of diverse other Tenants of him the said *T.* of the Mannor aforesaid,  
at that Mannor in the Court there endeavoured to proceed, the a-  
foresaid *G. S.* plotting him the said *T. D.* to hinder from all the  
profits, advantages, and Commodities of the Court aforesaid by  
force and Armes, that is to say, with Swords, &c. By contume-  
lious words and threatnings such and so great threats of danger of  
their lives of them the said Steward and Tenants and of mayming  
them the said Steward and Tenants in their Members, so then and  
there gave out; That the same Steward and Tenants durst not any  
further to proceed in the same Court, there to be held, for feare of  
those threats, but the same Steward and Tenants upon that oc-  
casion were caused to depart from the same Court, leaving the  
business thereof undone, by which he the same *T.* all the profit,  
gaine and Commoditie of his Court aforesaid did wholly lose and  
was deprived of, to the damage of him the said *T.* 100. And  
thereupon, &c.

*Declaration in  
Trespas upon  
the Case for  
cancelling a  
bond.*

**A.** A. Widdow complaines of *R. F.* in the Custody of the Mar-  
shall, &c. for that that is to say, whereas the aforesaid *A.*  
(such a day and year) at *L.* &c. had delivered to the aforesaid *R.*  
her certaine writing Obligatory, in which was contained that one  
*I. F.*



*I. F.* was bound and obliged to her the said *A.* in 24. l. of lawfull mony of *England*, to be paid to her the said *A.* when he the said *I. F.* should be thereunto required, to be safely and securely kept for her the said *A.* by him the said *R.* and to her the said *A.* when he should be thereunto required: yet the aforesaid *R.* at *London* in the Parish and Warde aforesaid, such a day and yeare then next following, the writing obligatory aforesaid delivered to him the said *R.* by her the said *A.* to be safely kept and redelivered as aforesaid, he the said *R.* did maliciously break, teare and cancell, to the damage of her the said *A.* 40. l. And thereupon she brings her Suit, &c.

**H.** R. complains of R. C. Inn-keeper of a common Inne, called the Signe of the *George* in *S.* in the custody of the Marshall, &c. For that, that is to say, whereas according to the Law and Custome of the Realm of our Lady the Queen that now is of *England*, Inn-keepers who hold and keep Common Innes to lodge, and entertaine Men travelling by those parts where such like Innes are and lodgings in them, are bound to keep both by day and night, their goods being within those Innes without any diminution or losse: So that by default of these Inne-keepers or their Servants, no damage should happen or come to their Guests by any means. And whereas the aforesaid *R.* before the 20th. day of *F.* such a yeare &c. And the same 20th. day &c. held and kept the Common Inne aforesaid, called the Signe of the *George* in *S.* aforesaid in the County aforesaid. And him the said *H.* in the same Inne as his Guests then and there entertained; And the same *H. R.* then and there one Gelding of a Flea-bitten colour of the price of 8. l. he brought into the Inne aforesaid with him, which said Gelding the aforesaid *R.* in his custody then and there received and had, yet certaine Malefactors unknown to him the said *H.* afterwards, to wit the aforesaid 20th. day of *F.* in the eighth yeare aforesaid, *A. S.* aforesaid the Gelding aforesaid being under the custody of the aforesaid *R. B.* in the aforesaid Inne then and there found for want good keeping of the said *R. B.* and his Servants they took and led away, against the law and custome aforesaid. Whereupon the same *H.* saies, that he is worsted and hath damage to the value of 20. l. And thereupon he brings his Suit, &c.

Against an Inn-  
keeper for a  
Horse lost.

Case against an  
Execution up-  
on the promise  
of the testator to  
pay money at  
severall dayes  
where they al-  
ledge assets.  
Hil. 37. Eliz.  
Roll 935.

**I**Sraell Owen complains of Sara de Bohault Executrix, &c. of John de Bohault a Forrain Merchant lately her Husband deceased in the custody of the Marshall, &c. for that, that is to say, whereas the aforesayd Israell ( such a day and yeare at London in the parish, &c. ) had held and delivered to the aforesaid John Bohault in his life time to the proper use and behoof of him the said John 54 Chests of powdered Sugar, to the value of 543.l. 6s. and 11.d. The same John in his life time in consideration thereof, afterwards to wit, the day, yeare, and place aforesaid, assumed upon himselfe, and to him the said Israell then and there faithfully promised that he the said John 543.l. 6s. and 11.d. of lawfull mony of England to the aforesaid Israell in manner and form following, would wel and faithfully Content and pay, that is to say, upon the 17th. day of September in the 35th. yeare of our Lady the Queen that now is aforesaid then next following the one halfe of the sayd summe of 543.l. 6s. and 11.d. being 271.l. 13.s. 5.d. ob. parcell of the aforesaid 543.l. 6s. and 11.d. And upon the 17th. day of December from thence next following the other halfe of the said summe of 543.l. 6s. and 11.d. being the residue; And afterwards, to wit, the 6th. day of August in the 35th. yeare of the Reign of our Lady Elizabeth aforesaid at London in the Parish and Ward aforesaid, the aforesaid John de B. made his last Will and Testament in writing: And by the same constituted the aforesaid Sara his Executrix thereof. And afterwards there dyed, yet the aforesaid Sara the promise and assumption of the aforesaid John de B. so as aforesaid made, little weighing but plotting, and fraudulently intending him the said Israell of the aforesaid 271.l. 13s. and 5.d. ob. parcell of the aforesaid 543.l. 6 and 11.d. upon the aforesaid 17th. day of September in manner as is aforesaid, to be paid craftily and subtilly to deceive and defraud the same 271.l. 13s. and 5.d. ob. after his the said John de B. death in the aforesaid 17th. day of September in the 35. yeare aforesaid, to the aforesaid Israell, according to the promise and assumption of the aforesaid John de B. in his life time, in manner and form aforesaid made, she hath not paid, although to do that the same Sara afterwards to wit the 18th. day of September in the 35th. yeare aforesaid at London in the Parish, &c. by the aforesaid Israell, she hath been thereunto required; And although also sufficient Goods and Chattells, which were the aforesaid John de Bohault, at the time of his death, as well to pay to him the said Israell the aforesaid 271.l. 13.s. 5.d. ob. as all other debts, Funerall Expences and Legacies of the aforesaid John de Bohault to the hands and possession of the aforesaid Sara, after the death of him the said John de Bohault at London, &c. in the Parish &c. came, and as yet in her hands remaine unadministred. By which

which the same *Israell* in his credit towards divers the Subjects of our Lady the Queen aforesaid, and chiefly to, &c. is much hurt and made worse, whereupon he saith, that he is dampnified, and hath damage to the value of 466.l. And thereupon he brings his Suit, &c.

To this the Defendant pleads a speciall *plene administravit*, That the Testator was indebted to another in the summe of 2500.l. by Obligation, who commenced Suit against her, and had a Recovery in the Town Court of *New Windsor*. And that she had not Goods over and above, &c. and this pleaded at large with an averment that she as Executrix is the same Person against whom that recovery was had, and not other and diverse. And that *John de Bohault* in the Record aforesayd named; and the aforesaid *I. de B.* in the Declaration aforesaid named one and the same Person and not other and diverse, &c.

To this the Plaintiff replies and acknowledges it to be true, that there was such an obligation, and such a Recovery, but pleads that that Recovery was had by fraud, &c.

The Defendant maintains his plea and traverses the fraud, and upon the traverse the plaintiff takes issue, and had a verdict and judgment for 27 l. 13. 5 d. ob. damages, and 15 l. 19. s. Costs thereupon recovered. Whereof a *Fifa* issued for the Damages of the proper Goods; and a *Casa* for the Costs and charges after a *Devastavit* returned upon a *Testatum Fifa*.

**H**L. complains of *R. D.* in the custody of the Marshall, &c. wherefore whereas he the same *H.* had such a day, yeare and place, Covenanted and bargained with the aforesaid *R.* well and sufficiently to make, fabricate, and burne for him the said *H.* 80 thousand of Bricks for a certaine summe of mony, that is to say, for 8.l. to the aforesaid *R.* before hand paid and afterwards to be paid. And the same *R.* had promised and assumed upon himselfe the aforesaid 80 thousand of Bricks well and sufficiently to make, fabricate and burne, and to him the said *H.* at a certaine day last past to wit such a day, &c. to deliver, yet the aforesaid *R.* plotting the aforesaid *H.* craftily and subtilly to deceive and defraud, 60 thousand of the Bricks about the time aforesaid, he so negligently and improvidently he made, fabricated and burnt; That the aforesaid 60 thousand of Bricks for want of due making, fabricating and burning of them, would in no manner be serviceable for the aforesaid *H.* for the doing of the work and business they were to

Declaration:  
Case by way of  
deceit in a  
bargain.

to be employed about, by which the businesse and work of him the said *H.* is much hindred and worsked; whereupon he saith that he is dammified, and hath damage to the value of 40. l. And thereupon he brings his Suit, &c.

*Action of the  
Case for scan-  
dall of an Al-  
derman of  
London for  
saying he was  
an Extortioner,  
&c.*

**M**add. *Jf. Richard Gresham* Knight Citizen and Alderman of London complains of *Thomas Bridges* in the custody of the Marshall, &c. for that that is to say; Whereas he the same *R.* is a true loyall and faithfull Subject of our Lord the King that now is, and as a true loyal and faithfull Subject of our Lord the King without any crime of falsitie, deceit or extortion, or of any other hurtfull crime from the time of his Nativity hitherto he hath governed and behaved himselfe: And of such unblemished honesty and conversation hath been reputed and taken amongst all the faithfull Subjects of our Lord the King unspotted of any wicked crime of falsity, Theft, Robbery, or Extortion, or of any manner of deceit; and so for the whole time aforesaid was reputed; As also with the most excellent and mighty Prince King *Henry* the 8th by the Grace of God, &c. was so taken and judged: And thereupon in diverse weighty and difficult businesses of him the sayd Lord the King was used and employed in, and into the Office first of one of the Sheriffs of *London* aforesaid, and next Major of the same City by occasion of the premises was chosen, and with unanimous, free, and voluntary consent and friendly election of all the Citizens of the City aforesaid was established and constituted; and by force thereof the government tutelage and care of the said City and Common-wealth of the same under our Lord the King, as a faithfull Deputy of our Lord the King, as Major of that City by a whole yeare from the Feast of the holy Apostles *Simon and Jude* in (such a yeare, &c.) unto that Feast then next following he took upon him, and had; And by the same whole time that City as a faithfull Deputy of our Lord the King he kept and preserved safe and unhurt; As also with all the Nobles, Peers, and Privy Counsellors of our Lord the King: And all the great and eminent Persons of this Realme of our Lord the King, and withall other the Subjects of our Lord the King, of whatsoever state or condition for the whole time aforesaid, as such a true loyall and faithfull Subject as is aforesaid, from whatsoever crime of falsity, or extortion to any the Subjects of our Lord the King, hath been accepted and taken to be unspotted and untouched; yet the aforesaid *T.* not ignorant of the premises, &c. of his own perverse malicious and wicked will, plotting in the said *R.* of such his credit, state, honesty, and reputation, falsely, maliciously, subtilly, and wickedly to deprive (such a day and yeare) those false English words fol-  
lowing



lowing to the aforesaid R. in the presence and hearing of diverse liege and faithfull Subjects of our Lord the King at W. in the County of Middlesex with great oath he did speak and pronounce, that is to say (you are a Fowler and an Extortioner; And the Country (meaning the County of *Suffolke*) is the worse by a thousand pounds for you. And this I will prove) by reason of which said false, scandalous and malicious words, he the said R. is not only very greatly vexed and grieved in his body, and by disbursing diverse summes of money for charges and expences about the prosecution of his Suit in that behalf, for the purging of himselfe of the premises is very much damnified: But also the same R. into very great distrust and infamy, as well with our Lord the King and his Councell aforesaid, as with the Nobles and Pears of this Realm of our Lord the King of *England*, as also with all other the faithfull Subjects of our Lord the King, is by that means brought and fallen into, To the damage of him the said R. 100.l. And thereupon he brings his Suit.

**J** Fisher Haberdasher, complains of *Richard Washington* Gent. of a Plea of Trespas, upon the Case: And whereupon the same J. by *o.c.* complains, that whereas he the same J. F. by the space of ten years and more, at *London* in the Art of a Haberdashers craft, and other Arts with his Neighbours, and other the liege people of our Lord the King, well and lawfully hath used and exercised, and by that occasion, many great gaines, profits, and commodities to himselfe thereupon, by the time aforesaid hath gotten and obtained: And hath been of good name, fame, and estimation, as well with all his Neighbours, as with divers other faithfull Subjects of our Lord the King, taken and reputed. By reason whereof, many such faithfull Subjects of our Lord the King with the same J. F. for the time aforesaid, before othermen, they have had commerce and trading, yet R. the aforesaid sufficiently knowing the premises plotting him the said J. as well in his Goods, as in his aforesaid good name and estimation to hurt and worst, and him the said J. to defraud of all such like gaines and profits, which by reason of the exercising of his Art aforesaid, by the time aforesaid he got and obtained; And him the said J. F. into so great scandall and infamy to bring with all the faithfull Subjects of our Lord the King, that the same Subjects of our Lord the King from the company and fellowship of him the said J. F. should wholly withdraw and estrange themselves (such a day and yeare, and place, &c. and diverse other times and seasons between the same, (such a day and such a day then next following) did frequently and unlawfully repaire and come to one *Elizabeth* then, and as yet the

*Declaration against one for frequenting Company with another mans wife unlawfully and dishonestly.*

the Wife of the aforesaid *I. F.* at *London*, &c. And then and there openly in the Shop of him the said *I. F.* he then and there had unlawfull fellowship with the same *E.* And the same *E.* then and there at some times by lascivious words, and other deceitfull and flattering glances, and kisses, and unchaste, and dishonest provocations, and by divers other unlawfull wayes and means did in a Devilish manner provoke and incite her the said *E.* to Luxury, and the committing of Adultery with him the said *R.* And by such his frequent and unlawfull accesses and repayres to the aforesaid *E.* and the evill behaviour and conversation of him the said *R.* he the said *I.* could scarcely have her the said *E.* in the Shop of him the said *I. F.* openly before the Neighbours of him the said *I. F.* and all the people there passing then and there, at other times for the space, &c. by the aforesaid *R.* for that time used by him the said *R.* having brought the same *E.* unto so great scandall, infamie of the crime of Luxury and Adultery. By reason of which, &c. the aforesaid *I.* not only all the profit and advantage which he by the aforesaid *E.* in managing of his household affairs and other businesses from the aforesaid (such a day untill such a day) was very likely to have gotten, if the premises had not been committed, hath totally lost, and is deprived of, but also he the said *I. F.* is drawne into great shame, scandall, and infamy, by reason thereof: And remains so disturbed and unquieted in minde, that he about the necessary businesses concerning his Art aforesaid, cannot seriously and earnestly intend. And the same businesses for the whole time aforesaid by reason of the evill behaviour of the aforesaid *R.* as aforesaid to him the said *I.* remaine undone: To the damage of him the said *I.* 100*l.* And thereupon he brings his Suit.

**E** *P. Complaines of R. A. Esquier in the custody of the Marshall, &c. For that whereas according to the custome of the Realme of our Lady the Queen of England hitherto used and approved every one of the same Kingdom is bound to keep his fire safely & securely day and night So that for want of good keeping of such like fire, any hurt or losse may in any manner happen to any of their Neighbours, yet the aforesaid R. a Fire in a certaine house of his the said R. at E in the County aforesaid kept so negligently and improvidently that for want of good keeping of his Fire, One Barne of his the said E. as also his Goods and Chattells (that is to say &c. to the value, &c. in the same Barne then and there being, were burnt to the damage of him the said E. &c. And against the forme of the Custome aforesaid. And thereupon he brings his Suit, &c.*

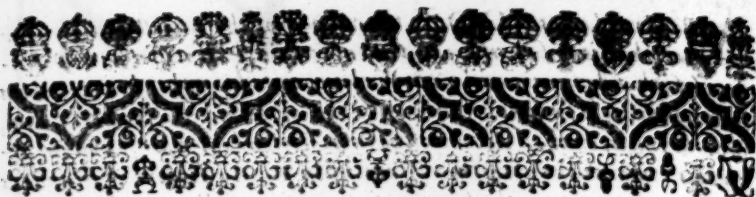
**A** B. Complaines of C. D. in the custody of the Marshall, &c. for that that is to say whereas the aforesaid Plaintiffe and Defendant (such a day yeare and place) had accompted together between themselves of diverse summes of Money to the aforesaid A. formerly due, &c. And upon that Accompt the same Defendant was found in arerages towards the aforesaid Plaintiff in 100.l. Guilders of Flanders mony amounting unto the summe of &c. of lawfull mony of England. And being, &c.

**W** Herefore whereas the same Plaintiff had bargained with the aforesaid Defendant (such a day yeare and place) to buy of him ten Quarters of Malt, the aforesaid Defendant knowing that Malt to be corrupt and insufficient to make beare withall, by warranting that Malt to be good and sufficient to make bear thereof, the aforesaid Malt to him the said Plaintiff for a certaine summe of mony falsely and fraudulently he there sold, To the damage of him the said Plaintiff 40.l. &c.



M m

STATUTE



# STATUTE OF MAYNTENANCE

Declaration  
upon the Sta-  
tute of main-  
tenance brought  
in the King's Bench  
by Original.  
Mich. 11,  
H. 6.  
Roll. 84.



*John King of London Draper, and Nicholas Bulloyn of London Merchant, were attached to answer as well to our Lord the King, as F. N. otherwise called, &c. of a Plea, wherefore whereas in the Statute at Westminster lately published, amongst other things it is contained, that, No person of the Realm of England of whatsoever state, degree, or condition soever he were of, should maintaine or uphold in the Country or elsewhere, under the pain of imprisonment, and making fine and redemption to our Lord the King, at the will of every such Lord the King, that is to say according to their Estate, degree and demerit: And the aforesaid King and Nicholas Bulloyn a Plea or Complaint, which was in the Court of our Lord the King of his City of London, before S. Brown one of the Sheriff of the same City without the Writ of him our said Lord the King, according to the Custom of the City aforesaid, between the aforesaid F and I Garren Merchant of Catalonia, of the debt of 68 l. 10 s. and 6 d. which the same I G. required from the aforesaid F. at Burton in the Clay, for, and on the part of him the said I G.*



*J. G.* have maintained and sustained in the contempt of our sayd Lord the King, and his the sayd *F.* great damage; And against the forme of the Statute, &c. And whereupon the same *F.* who as well, &c. in his proper person Complaines for that; whereas in the Statute at *Westminster* lately published, amongst other things, it is contained, that no person of the Realm of *England* of whatsoever state, degree, or condition he should be of, should maintaine or sustaine any playnt in the Countrey or else where, under the paine of imprisonment, and making fine and redemption to our Lord the King, at the will of every such Lord the King, that is to say, according to their Estate, degree, and dement, the aforesayd *I. L.* and *N.* (such a day, yeare, and place) the plaint which was in the Court of the Lord the King of his City of *London* before *S. B.* one of the Sheriffs of the same City, in *Guild-hall* of the City aforesayd in the Parish of *St. Lawrence* in the old Jury, in the Ward of *Cheap London*, without the writt of him the said Lord the King, according to the custome of the City aforesayd, between the aforesayd *F.* and *J. G.* Merchant of *Catalonia* of the Debt of 68*l.* 10*s.* and 6*d.* which the same *I. G.* required of the aforesayd *F.* at *Burton* in the Clay, for, and on the part of him the sayd *I. G.* have maintained and sustained; in the contempt of our sayd Lord the King, and the damage of him the sayd *F.* 200*l.* And against the forme of the Statute aforesayd; And thereupon he brings his Suit, &c.

AND the aforesayd *Iohn Linge* and *N. de Boloire* in their proper person come and defend the force and injury when, &c. and all contempt and whatsoever, &c. And the aforesayd *Iohn Linge* sayes, that he is nothing guilty of the mayntenance and sustentation aforesayd on him in forme aforesayd imposed, and of this he puts himselfe upon the countrey. And the aforesayd *F.* in like manner, &c. and the aforesayd *N.* sayes, that the aforesaid *F.* ought not to have his Action aforesayd against him, because he saith that long before the maintenance aforesayd was supposed to be made, the same *N.* was dwelling in the City of *London*, holding a certaine common Inne in the Parish of *Saint Georges* in the Warde of *Billingsf-gate London*, for whatsoever Forreigners to that Inne comming and going to lodge and entertaine. And sayes that the aforesayd *J. Garron* long before the sayd time, of the maintenance aforesayd upposed, and at the same time wherein the same maintenance was supposed to be made, was lodged and entertained in the Inne aforesayd with him the said *N.* whereupon he the sayd *I. G.* told and reported to him the sayd *N.* that he had brought against the aforesayd *F.* in the *Guild-hall* of the City aforesayd before the aforesayd *S. B.* then one of the Sheriffs of the City aforesayd,

One of the Defendants pleads not guilty and the other a speciall Justification.

the playnt aforesayd of the debt aforesayd, desiring him the said *N.* that whereas he the said *I.* was a Stranger, and not knowing how to speak the English tongue, that he the said *N.* would go with him the said *I.* to Guild-hall aforesaid, to provide him of sufficient Counsell in the plaint aforesayd for the debt aforesayd, and would declare the matter of the same plaint to his said Counsell in the English tongue. Whereupon he the said *N.* at the request of him the said *I.* went with him to the Guild-hall aforesayd, at the time wherein the maintenance aforesaid is supposed to be made, and did provide for him the said *I. G.* Counsell in the plaint aforesaid of the Debt aforesaid, and that matter to the same Counsell in the English tongue did declare, desiring the same Counsell that they would advise and help the aforesayd *I. G.* in that plaint as should be just, as it was lawfull for him to do, without that that the same *N.* is guilty of the maintenance and sustentation of the plaint aforesayd of the Debt aforesayd in the sayd County of *Bedford*, in the forme wherein the same *F.* above by his Writ and Declaration aforesayd above supposeth; And this, &c. whereupon, &c.

Traverse the  
place.

Ifue upon the  
traverse.

**A**ND the aforesaid Playntife sayes that he ought not by any thing before prealleged to be debarred from having his Action aforesayd, because he saith that the aforesaid *N.* is guilty of the maintenance and sustentation of the playnt aforesayd, of the Debt aforesayd in the said County of *Bedford*, in manner and form as hee the same *F.* above against him hath complained: And this he prayes may be enquired of by the Countrey, and the aforesaid *N.* in like manner, &c. Therefore the Jury thereupon is to come before our Lord the King, from the day of Saint *Martin* in fifteen dayes wheresoever, &c. And who neither, &c. To recognize, &c. Because as well, &c. The same day is given to the Parties aforesayd, &c. And the Proesse thereupon being contained between the parties aforesayd by the Jury put in respie thereupon between them before our said Lord the King, from the day of St. *Hillary* in fifteen dayes then next following wheresoever, &c. for want of Jurors, &c. At which day before our Lord the King at *Westminster* came the parties aforesayd by their Attorneys aforesayd, and the Jurors of that Jury being impannelled, and called in like manner, come, who being chosen, tryed, and sworn to speak to the truth of and upon the premises say upon their Oath, that the aforesaid *N.* is guilty of the maintenance and sustentation aforesaid, in the forme wherein the aforesaid *F.* above against him the said *N.* complaineth, and they asseffe the damages of him the said *F.* by the occasion of the maintenance and sustentation aforesayd above

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above his costs and charges, &c. unto 100. l. And for his costs, &c. unto eight pounds: And further the same Jurors upon their Oath aforesaid say, that the aforesaid I. L. is in nothing guilty of the maintenance and sustentation aforesaid, &c.

Therefore it is considered that the aforesaid F. recover against the aforesaid N. his damages aforesaid, as well by occasion of the maintenance and sustentation aforesaid, as for his costs and charges by him about his Suit in that behalfe laid out by the Jury aforesaid to 108. l. in form aforesaid taxed, &c. And that the same N. be taken, &c. And that the aforesaid F. be in mercy for his false clayme against the aforesaid I. of the maintenance and sustentation aforesaid, for that the same I. of the maintenance and sustentation aforesaid, by the Jury aforesaid above stands acquitted: And that the same I. L. go without day, &c. Afterwards, to wit the second day of June in the eleventh year of the Raigh of our Lord the King that now is the aforesaid N. is committed to the Marshall, &c. for the damages aforesaid, there to remain untill the aforesaid F. of those damages shall be fully satisfied, and that he shall have made his Fine to our Lord the King in that behalfe, &c. Afterwards, to wit, the eleventh day of July (such a yeare) came the aforesaid F. before our Lord the King at Westminster, in his proper Person, and freely remits and releaseth his damages aforesaid, as also all manner of execution which against him by reason of the premises, he either hath or may have: Therefore it is considered that the aforesaid N. go without day, &c.

*A remittiter entered.*

AND the aforesaid Defendant sayes, that he at the time of the levying of the plaint aforesaid: And before the levying of the same Action, and before the maintenance aforesaid supposed to be made, and at the time of the maintenance aforesaid supposed to be made, was a Companion of the Society of *Lincolnes Inne London*, in the Ward of *Farington*, without which said Society is a certaine Society of Men of the Courts of the Temporall Lawes, and of Counsellors of the aforesaid Lawes, & from time out of mind hath so been: And that he before the levying of the playnt aforesaid, and before the maintenance aforesaid supposed, and at the time of the maintenance aforesaid supposed, was, and yet is a Counsellor learned of and in the Law aforesaid: And sayes that he at and by the request of the aforesaid I. B. and W. T. in the Bill aforesaid named before the maintenance aforesaid supposed was retayned at F. in the County of B. to be of Counsell with them the said I and W. in the Bill aforesaid named, Taking therein for his Counsell as then and there between them was agreed: By virtue of

*Justification in Maintenance as for a servant.*

of which Reteinder the same B was of Counsell of the aforesaid I and W. as well in the matter in the plaint aforesaid contained, as in all other their Law matters, and them counselled according to the best of his understanding, knowledge, and conception of the Law, at the time of the maintenance aforesayd supposed, and had Communication with other persons of their Counsell, and them he requested and laboured to be of their Counsell, as it was lawfull for him to do, which is the same maintenance whereof the aforesaid Plaintiffe in his Bill aforesaid complains. Which all and singular the same Defendant is ready to averre. Whereupon he prayes judgement whether the aforesaid Plaintiffe ought to have his Action aforesaid against him, &c.

*The Plaintiffe  
sayes that the  
Defendant was  
a Lay man, and  
not a Counsellor.*

**A**ND the aforesaid A. sayes, that he by any thing before pre-  
alleadged ought not to be debarred from having his Action a-  
foresaid, because he saith, that at the time of the maintenance a-  
foresaid, the aforesaid Defendant was a Lay man and not a Coun-  
sellor learned of and in the Law aforesaid, as the aforesaid Defen-  
dant hath above alleadged: And this he prayes may be enquired  
of by the Countrey: And the aforesaid Defendant in like man-  
ner, &c.

*Justification in  
mayntenance  
as an Attorney,  
by warrant of  
Attorney.*

**A**ND the aforesaid I. B. in his proper Person, comes and ha-  
ving heard the Bill aforesaid defends the force and injury when  
&c. and all contempt, and whatsoever, &c. by Protestation that  
the Bill aforesaid containeth not in it sufficient matter to enforce  
him the said I. to answer the same matter, for Plea he saith that  
he presumeth not that our Lord the King will impeach or molest  
him the said I. of the maintenance aforesaid by occasion of the Bill  
aforesaid, because he saith that the aforesaid R. P. before the time  
wherein the maintenance aforesaid was supposed to be made, that  
is to say (such a day and year) in the Court of our Lord the  
King, before him the said King at *Westminster* the aforesaid plaint,  
then depending in the same Court by Writ of Attaint, by a cer-  
taine Warrant of Attorney, residing here in Court, constituted,  
and ordained, and put in his place him the said I. B. to prosecute for  
him the said R. P. the aforesaid Writ of Attaint, or to gaine or  
loose in that plaint, and the same I. B. was to this admitted by  
the same Court, as it appears here in the same Court amongst the  
Warrants of Attorney of the Term of the Holy Trinity in the 34th  
yeare aforesayd: By which the same I. B. the said Writ of Attaint  
for the aforesaid R. P. prosecuted and for him the said R. P. ap-  
peared in the same plaint as Attorney of him the said R. P. by vertue  
of the Warrant aforesaid the said time wherein, &c. as it was law-  
full



full for him to do, which said prosecution and appearance, are the same maintenance whereupon the said Lord the King prosecutes his Action: And this he is ready to averre as the Court &c. whereupon he presumeth not that the said Lord the King him the said *I. B.* of the maintenance aforesaid by occasion of the Bill aforesaid in this case will impeach or molest, and prayes that he may be quietly therefrom dismissed, &c.

And the aforesaid *R. F.* by *G. L.* his Attorney comes and defends the force and injury when &c. and all contempt, and whatsoever, &c. And sayes that the aforesaid *W. C.* ought not to have his action aforesaid against him, because he saith that he the same *R. F.* is, and the sayd time wherein the Maintenance aforesaid was supposed to be made, was Cosen of the aforesaid *R. M.* that is to say, Son of *Margaret* Sister of *Alice*, mother of the aforesaid *R. M.* for whose part the aforesaid *W. C.* supposeth him the said *R. F.* to have maintained the plaint aforesaid. And the same *R. F.* sayes further that the aforesaid *R. M.* for whose part, &c. before the said time wherein the maintenance aforesaid was supposed to be made at *S.* aforesaid came unto him the sayd *R. F.* and requested him the said *R. F.* that he the said *R. F.* would procure a certaine man learned in the Law of the Land to be of Counsell of him the said *R. M.* in the playnt aforesaid. And that the same *R. M.* would well and sufficiently reward him for his Counsell. By virtue of which request he the said *R. F.* the said time wherein the maintenance aforesaid was supposed to be made at *S.* aforesaid came unto one *E. L.* learned in the Law of the Land, and requested him the said *E.* that he would be of Counsell with him the said *R. M.* in the playnt aforesaid, and told him the said *E.* that the aforesaid *R. M.* would well and sufficiently reward him the said *E.* for his Counsell; Which said coming to the aforesaid *E.* requesting and speaking to him the said *E.* out of the cause aforesaid, are the aforesaid maintenance, whereof the aforesaid *W. C.* brings his action aforesaid; And this, &c. as the Court, &c. Whereupon he prayes judgment whether the aforesaid *W. C.* ought to have his Action aforesaid against him, &c.

*Justification in Maintenance by cause of consanguinitie.*

And the aforesaid *W. C.* not acknowledging that the aforesaid *R. F.* is a Cosen of the aforesaid *R. M.* in the form wherein the same *R. F.* above supposeth, for Plea he saith that he by any thing before alleadged, ought not to be debarred from having his Action aforesaid, because he saith that the aforesaid *R. F.* the said time wherein the maintenance aforesaid was made, at *S.* aforesaid, gave of his own proper Money to one *I. P.* 6s. 8d. being one of the Jurors

*The Plainiffe replies that the Defendant gave money to the Jurors of his own to give a Verdict.*

rors

rors who were impannelled on the aforesaid Writ of *Novell disseisin* to be arraigned, and before the aforesaid *I. P.* and *R. L.* Justices of Assizes of our Lord the King in the County aforesaid assigned to be taken, returned between the aforesaid *R. M.* and the aforesaid *W. C.* the now Plaintiff. And unto *T. R.* 3s. and 4d. another of the Jurors on the aforesaid Writ of Assize of *Novel disseisin* in like manner impannelled, and before the aforesaid Justices between the same parties in the playnt aforesaid named to speak their verdict with the aforesaid *R. M.* in the same plaint. Which said gifts are the same mayntenance upon which the same *W. C.* conceiveth his action aforesaid: And this &c. as the Court &c. whereupon he prayes judgment, &c.

And the aforesaid *R. F.* sayes that he gave not of his own proper mony to the aforesaid *I. P.* the aforesaid 6s. and 8d. nor any penny thereof, nor to the aforesaid *T. R.* the aforesaid 3s. and 4d. nor any penny thereof, to speak their verdict for the aforesaid *R. M.* Defendant in the playnt aforesaid, as the aforesaid *W. C.* above by pleading hath alleadged. And of this he puts himselfe upon the Countrey; And the aforesaid Plaintiffe in like manner, &c.

AND the aforesaid *T. W.* by *L. D.* his Attorney comes and defends the force and injury when &c. and all contempt and whatsoever, &c. And sayes that the aforesaid *I. H.* ought not to have his Action aforesaid against him, because he saith that the aforesaid *I. W.* the said time wherein, &c. and long before and after was the servant of him the said *T. W.* reteyned with him in the service of a Common Labourer at *D.* in the County of *R.* And further saith that the aforesaid *I. W.* for whose part, and long before the said time wherein the maintenance aforesaid was supposed to be made at *D.* aforesayd, came unto him the said *T. W.* and requested him that he in the name of him the said *I. W.* would ask a certaine man learned in the Law of the Land to be of Counsell with him the said *I. W.* in the plaint aforesaid: And that the said *I. W.* would well and sufficiently reward him for his labour. By virtue of which request, the same *T. W.* the said time wherein the maintenance aforesaid is supposed to be made at *W.* in the County of *Middlesex* came unto one *W. F.* a learned man in the Law of the Land, and asked him the said *W. F.* to be of Counsell with him the said *I. W.* in the plaint aforesaid, and told him the said *W. F.* that the aforesaid *I. W.* him the said *W. F.* would well and sufficiently reward him for his labour: Which said comming to the aforesaid *W. F.* asking and speaking to him the said *W. F.* out of the Cause aforesaid, are the aforesaid maintenance, whereof the aforesaid *I. H.* above complaines: And this, &c. whereupon, &c.

And

**A**ND the aforesaid I. H. sayes, that he by any thing before alleadged, ought not to be debarred from having his Action aforesaid, because he saith that the aforesaid I. W. the said time wherein, &c. was not the Servant of him the said T. W. now retained in Service with him the said T. W. as the same T. W. above by pleading hath alleadged, and this he prayes may be enquired of by the Countrey, and the aforesaid Defendant in like manner, therefore Command is given to the Sheriffe that he cause to come before our Lord the King at W. (such a day) twenty foure as well Knights, &c. of the Visenage of D. aforesaid by, whom &c.

*The Plaintiffe  
replies he was  
not his servant.*

**S**uffolk J. T. A. who prosecutes as well for our Lady the Queen as for himself, complains of *John Calfe* in the custody of the Marshall, &c. of a plea that he render to her the sayd Lady the Queen, and the aforesaid T. A. two hundred marks for the value of one Messuage and eight Acres of Land Scituate and lying in the fields of C. in the County of *Suffolk*, which to them the said Lady the Queen, and the aforesaid T. he owes and unjustly detaines, for that that is to say whereas in the Statute in the Parliament of our Lord King *Henry* the 8th. late King of *England*, Father of our Lady the Queen that now is at *Westminster* in the County of *M.* the 28th. day of *Aprill* in the 11th. yeare of his Raigñ held and there begun, and from thence unto the 23 day of *July* then next following by diverse proroguings then and there held, amongst other things it was enacted that no person or persons of whatsoever state, degree, or condition soever they should be of, who should from thence following, bargain, buy, or sell, or by any wayes obtaine, gaine, or have any right or title, of any person or persons in or to any Mannors, &c. (And so recite the Statute untill) One Moyetie of the said forfeitures to be to her the said Lady the Queen, and the other Moyetie to the party who thereupon should prosecute in any of the Courts of our Lady the Queen of Record, as in the Statute aforesaid, amongst other things more fully is contained, yet the aforesaid I. little weighing the Statute aforesaid, nor fearing the punishment contained in the same, the 24 day of *June* in the 4th. yeare of our Lady the Queen, one Messuage and eight Acres of Land with the Appurtenances in C. at C. in the County aforesaid of one R. F. by him the sayd I. then and there paid, and afterwards to be paid, bought, obtained and had to him and his Heirs for ever: knowing that the same R. F. nor any of his Ancestors had any right or claime to the aforesaid Messuage, and eight Acres of Land with the Appurtenances, nor were thereupon ever possessed of the same Messuage and eight Acres of Land

*Declaration  
upon the Sta-  
tute of maynte-  
nance for buy-  
ing of a title of  
Land.*

nor of any reversion or remainder thereof. And knowing also that he the same R. F. received not the Rent or profit thereof by the space of one whole year next before the said bargain grant and provision so between them as is aforesaid made; Which said Messuage and eight Acres of Land aforesaid with the Appurtenance, are worth to be sold two hundred Marks at the least. By which the Action accrued to her the said Lady the Queen, and to the aforesaid T. A. to require and have of the aforesaid I. the aforesaid two hundred Marks for the value of the Messuage and the aforesaid eight Acres of Land with the Appurtenances, yet the aforesaid I. although often required, &c. the aforesaid two hundred Markes to her the said Lady the Queen, nor to the aforesaid T. hitherto he hath not paid, but the same to them the said Lady the Queen, and to the aforesaid T. hitherto to pay he hath denied, and as yet denieth, and the same to them the said Lady the Queen, and the aforesaid T. as yet unjustly detaineth. Whereupon he saith that he is worsted and hath damage to the value of 200s. And thereupon as well for our Lady the Queen as for himselfe he brings his Suit, &c.

*The Defendant  
pleads he  
bought not the  
Land against  
the forme of  
the Statute.*

AND the aforesaid I P. by T.S. his Attorney comes and defends the force & injury when, &c. and all contempt & whatsoever, &c. And by Protestation not acknowledging any thing in the Declaration aforesaid (specified to be true, for Plea he saith that the same I. bought not obtained, or had to him and his Heires of the aforesaid R. F. the aforesaid Messuage and 8 Acres of Land with the Appurtenances against the form of the Statute aforesaid, in manner and form, as he the same T. above, by his Declaration alledgeth, and of this he puts himselfe upon the Countrey. And the aforesaid T. A. who as well prosecutes for our Lady the Queen, as for himselfe in like manner, &c.

*Vpon the Sta-  
tute of Mayn-  
tenance, where  
the Defendant  
took promise  
to have parcell  
of the Land.*

DECLAR. (as before) yet the aforesaid R. little weighing the Statute aforesaid after the publishing the Act aforesaid, to wit (such a day and yeare) at Derby for a certaine summe of money, between him the said R. and one W. L. of C. in the County of W. Yeoman, agreed upon, took of the same W. a promise to have the Moyetie of eight Messuages, three Cottages, and twenty Acres of Land, with the Appurtenances in Derby, of which said Moyetie of the same Tenements, with the Appurtenances, the aforesaid W. or any of his Predecessors, or he by whom the said W. clayms the same Moyetie with the Appurtenances, was not, nor were not in possession, nor seised of the same in Reversion or Remainder, nor did receive or recovered the Rent or profits thereof, by



by the space of one whole year next before the promise aforesaid thereupon made. And the same W. B. says that the aforesaid R. D. the aforesaid time of the promise of the Moyetie of the Tenements aforesaid with the Appurtenances in form aforesaid, made known that the aforesaid W. L. or any of his Antecessors, or those by whom the same W. claims the same Moyetie, was not, nor ever were in possession, nor seised of the same Moyetie with the Appurtenances in Reversion or Remainder, nor did receive or received the Rents or profits thereof by the space of one whole year next before the promise thereupon made. And further the same W. says that the true and entire value of the Moyetie of the Tenements aforesaid with the Appurtenances, in manner and forme of the aforesaid promise in the aforesaid time of the same promise, did amount to the summe of 200 Marks: By which the Action did accrue to him the said W. who as well, &c. to require and have of the aforesaid R. for the aforesaid Lady the Queen, and for himselfe the aforesaid 200 Marks, the value of the Tenements aforesaid, with the Appurtenances against the forme of the Act aforesaid, so promised, yet the said R. although often required, the aforesaid 200 Marks to him the said W. who as well, &c. he hath not as yet rendered, but the same him to render hitherto hath denied, and as yet denyeth; Whereupon the same W. who as well &c. says that he is worsted, and hath damage to the value of twenty pounds, and thereupon he brings his Suit, &c. And the aforesaid R. by D. C. his Attorney comes and defends the force and injury when, &c. and by Protestation in that the aforesaid W. was in possession of the aforesaid Moyetie of the Tenements aforesaid with the Appurtenances, and received the Rents and profits thereof, by the space of the aforesaid one whole year next before the aforesaid one and twentieth day of *July* in the sixth year aforesaid. By protestation also that the true and entire value of the aforesaid Moyetie of the Tenements aforesaid with the Appurtenances the aforesaid one and twentieth day of *July* did not amount to the aforesaid summe of two hundred Marks. For Plea the same R. saith, that he took not of the aforesaid W. L. the promise to have the Moyetie of the Tenements aforesaid with the Appurtenances against the forme of the Statute aforesaid, as the aforesaid W. B. by his Declaration aforesaid above against him supposeth. And of this he puts himselfe upon the Countrey, and the aforesaid W. B. in like manner, &c.

Declaration up-  
on the Statute  
of scandall  
mayntenance of  
2 Richard the  
2.

Damage reco-  
vered by the  
Bishop of Win-  
chester against  
T. Jones upon  
this Afflion.

See Trin. 2 H.  
8. rol 30.  
The like Easter  
7 Hen. 8. Rol.  
43.

**S**uff. T. Lucas late of London Gent. was attached to answer Edward Duke of Buckingham of a Plea, Wherefore whereas in the Parliament of our Lord King Richard the second, late King of England after the Conquest held at Gloucester, in the second year of his Raig, published, amongst other things it is ordained and strictly prohibited, none should be so bold as to affront, speak against or defame the Prelates, Dukes, Earles or Barons of his Realme of England, nor of the Chancellor, Treasurer or Clerk of the private seale, Steward of his house-hold, Justices of our Bench nor of other great Officers of the Kingdome aforesaid by any false newes, lies, or any the like false scandalls, whereby any scandall or discords within the aforesaid Kingdome may arise; And that whosoever should do this, should have and incurre the punishment otherwise thereupon ordayned by the Statute of Westminster the first, as in the same Statute more fully is contained, yet the aforesaid T. L. little weighing the aforesaid Statute, divers false and horrible lyes of the aforesaid Duke, then being one of the Peares of this Kingdome at Rasbie scandalously spoke and reported, and in English words publickly published the words subscribed in English following, that is to say ( That the said Thomas said, that he set not by the Duke two pence, and that the sayd Duke hath no more conscience then a Dog, and so the said Duke may have goods he force not how he come thereby ) Whereby great scandall and discord to him the said Duke then there within the said Kingdome might arise, in contempt of our said Lord the King that now is, and to the dammage of him the said Duke one thousand pounds, and against the forme of the Statute aforesaid, &c. And whereupon the same Duke by J. C. his Attorney sayes, &c. that the aforesaid T. Lucas the Statute aforesaid little weighing (such a day and yeare) diverse false and horrible lyes of the aforesaid Duke then one of the Peares of this Kingdome being at R. in the County of Suffolk aforesaid scandalously spoke and reported, and in English words publickly published the words subscribed in English following, that is to say ( that &c. ) Whereby great scandall and discord to him the said Duke then there, within the said Realme, might arise in the contempt of our Lord the King that now is, and to the damage of him the said Duke one thousand pounds, &c. And against the forme of the Statute aforesaid, and thereupon he brings his Suit, &c.

**H**erit. *J. Richard Wagnecomb* lately of &c. lately under-Sherife of *T. C. Elquier*, Sherife of the County aforesaid, was summoned to answer *J. E.* who prosecutes as well for our Lord the King, as for himself, of a Plea that he render him forty pound which he owes him, and unjustly detaines, &c. And whereupon the same *J. E.* who prosecutes for our Lord the King in that behalfe, for the same Lord the King sayes that, Whereas in the Statute in the Parliament of our Lord King *Henry* the 6th. late King of *England* held at *Westminster* in the 23th. yeare of his Raigh, amongst other things it is ordained and established that no Sherife, under-Sherife, Baylife of any Liberty or franchise, or any other Baylife, by occasion or colour of his Office, should take any other thing by them &c. (and so recite the Statute: ) And that all Sherifes, under-Sherifes, Bayliffs of liberties, or other Bayliffes; or any other Officers or Ministers who should do contrary to the Ordinance aforesaid, or any the Articles in the same should loose to the party grieved in that behalfe, his damages to the trouble, and should forfeit the summe of fortie pound, each Sherife wherein he or any of them should do contrary to the Ordinance aforesaid. Whereof the Lord the King was to have one Moyetie to the use of his household and no other wayes, and to him who in that behalfe will prosecute another moyetie thereof, as in the same Statute more fully is contained: yet the aforesaid Defendant little weighing the aforesaid Statute (such a day and yeare) then being under-Sherife of the County aforesaid at (such a place) by colour of his Office aforesaid, took Extortiously of one *J. D.* by the hands of one *R. W.* (for the making and returning of a certaine pannell upon a Writ of *Veni facias*, at the Suit of the aforesaid *J. D.* against *R. H.* and others in the same Writ contained in a Plea of trespassse prosecuted) thirteen shillings and foure pence against the forme and effect of the Statute aforesaid, by which the Action accrued to the said Lord the King to require and have of the aforesaid Defendant the aforesaid forty pound, yet the aforesaid Defendant although often required, &c. the aforesaid forty pounds to the said Lord the King, he hath not as yet rendered it, but the same to him hitherto to render he hath denyed, and as yet doth denie. Whereupon &c.

*Declaration upon the Statute of 23. Hen. 6. against Extortion in any Sherifs, &c.*  
Mich. 24. Hen. 8. Rollo. 358.

*The Defendant  
pleads that he  
took not against  
the form of the  
Statute.*

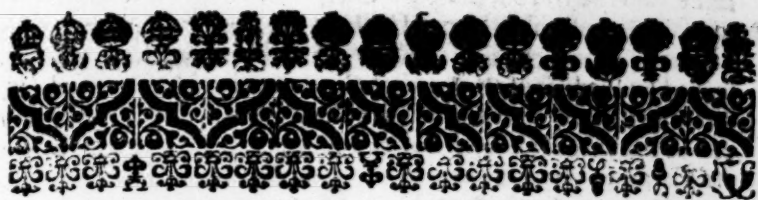
**A**ND the aforesaid Defendant by *W. C.* his Attorney, comes, &c. and sayes our aforesaid Lord the King him the said Defendant by occasion of the premises, in an thing to impeach or trouble ought not, because he saith that he took not of the aforesaid *I. D.* the aforesaid thirteen shillings and four pence against the forme of the Statute aforesaid, as the aforesaid *I. C.* for our Lord the King aforesaid above hath alleaged: And of this he puts himselfe upon the Countrey; And the aforesaid *I.* which, &c. for our Lord the King, in like manner, &c. Therefore, &c.

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VVithernam

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# VVITHERNAM.



*Itts. ff.* Command was to the Sheriffe as it was often commanded him, that instantly and without delay he should cause to be replevyed to R. D. his cattell which *E. P.* *I. D. W. S.* and *W. W.* took and unjustly detained, or that he should be before our Lady the Queen in eight dayes of Saint Hillary last past, wheresoever, &c. to shew wherefore the command of our Lady the

*Entries of a Plure Replegiave.*

*The Sherife returns the cattell were so farre off removed, &c.*

Queen. so oftentimes thereupon to him directed, he had returned, and the same Sherife to her the said Lady the Queen, at that day returned that the Cattell aforesaid were removed afarr off to a place unknown unto him, by the aforesaid *E. P.* & others, so that he could not have the view of them. Therefore command was to the same Sherife, that of the cattell of the aforesaid *E. P.* and others in his Bailiwick he should take in *Withernam*, and the same to the aforesaid *R. D.* he should cause to be delivered, to be held to him untill the aforesaid *E.* and others would deliver the cattell aforesaid; and in what manner he should have executed the same precept he should make known to our Lady the Queen, from the day of *Easter* in fifteen dayes, wheresoever, &c. Command was also to the same Sherife that if the aforesaid *R. D.* should make him secure of prosecuting his Complaint, as also of returning the cattell aforesaid, if the returne thereupon should be adjudged, then he should put by sure and safe pledges the aforesaid *E. P.* and others, that they should be before our Lady the Queen at the aforesaid Term, to answer the aforesaid *R. D.* of the taking and detaining of the cattell aforesaid. At which day before our Lady the Queen at *Westminster* came the aforesaid *R. D.* by *M. Moseley* his Attorney; And the Sherife returned that the aforesaid *R. D.* had made

*The entrie of a Withernam and Pone.*

*The returne of the writ.*

made him the said Sherife secure of prosecuting his Complaint aforesaid, and of the returne of the cattell aforesaid, if the returne hereupon should be adjudged, and that the aforesaid *E. P.* is attached by Pledges of *W. P.* and *G. G.* as also that the aforesaid *E. F.* *W. S.* and *W. W.* hath nothing within his Bailly-wick whereby they can be attached. The same Sherife also returnes that he the 24<sup>th</sup>. of *March* in the one and twentieth year of the Reign of our Lady *E.* now Queen of *England* took in *Withernam* two horses, whereof one is of Colour white, and the other very gray, and three Mares, whereof one is of a bay Colour, another of a Gray colour, and another of a duple Gray, and eighteen Sheep of the Cattell of the aforesaid *E. F.* and others, and the same to the aforesaid *R. D.* he hath caused to be delivered, to be held unto him untill the said *E.* and others the cattell aforesaid formerly taken they will deliver, as it was commanded unto him, and the aforesaid *E. P.* and others the fourth day of the plea being solemnly called by *R. Best* their Attorney in like manner came, upon which the aforesaid *D.* declaring against the aforesaid *E. P.* and others, complains that they (such a day and yeare) at *Lockeridge* in the Parish of *Fisfeld* in the County aforesaid in a certaine place there called the Common Field, took the cattell of him the said *Robert*, that is to say six Geldings of the price of 24. l. and them unjustly detained against Sureties and Pledges, &c. Whereupon he saith he is worsted, and hath damage to the value of forty pounds, And thereupon he brings his Suit, &c.

Judgement for  
the Plaintiff in  
a Replevin up-  
on a Demurrer  
in Law.  
Easter 30. E-  
liz. Rot. 196.

THE Plaintiff declares, and the Defendant pleads in acknowledgment, &c. and the Plaintiff pleads in Bar, and the Defendants rejoines to the Bar, and thereupon the Plaintiff demurs in Law, and they join in Demurrer, and Judgment was had for the Plaintiff as followes. (Because as yet, &c. at which day before our Lady the Queen at *Westminster* came the parties aforesaid by their Attorneys aforesaid. Vpon which all and singular the premises being seen heer, and by the Court here fully understood, and mature deliberation being thereupon had, for that that it seemes to the Court of our Lady the Queen here that the Plea aforesaid by the aforesaid Defendants above pleaded, and the matter in the same contained are not sufficient in the Law to have returne of the cattell aforesaid, or to debarre him the said Plaintiff from having his Action aforesaid against the aforesaid Defendants, It is considered that the aforesaid Plaintife ought to recover his damages against the same Defendants by occasion aforesaid. But because it is not known to the Court of our Lady the Queen here what damages the aforesaid Plaintife hath sustained by occasion of the

he premises, the refore it is commanded to the Sherife, that by the Oath of honest and lawfull men of his County he diligently enquire what damages the aforesaid Plaintife hath sustained, as well by occasion of the premises, as for his Costs and Charges, by him about his Suit, in that behalfe layd out. And the Inquisition which he shall thereupon make to our Lady the Queen from the day of *Easter*, in fifteen daies, wheresoever, &c. under the Seale, &c. and Seales, &c. he shall send, together with the Writ aforesaid, to him thereupon directed: The same day is given to the aforesaid Plaintiff here, &c. At which day before our Lady the Queen at *Westminster*, came the aforesaid Plaintiff by his Attorney aforesaid, and the Sheriff to wit P. T. Esquire, returned a certain Inquisition taken before him at *G.* in the County aforesaid, the tenth day of *Aprill*, in the thirtieth yeare of our Lady the Queen that now is, by which it is found that the aforesaid Plaintiff had sustained Damages by occasion of the Premisses, besides his Cost and Charges, &c. to six and twenty shillings and eight pence. and for those Costs, &c. unto twelve pence; therefore it is considered, that the aforesaid Plaintiff should recover against the aforesaid Detendant his Damages aforesaid, by the Inquisition aforesaid, in form aforesaid assessed, as also sixteen pounds for his Costs and Charges aforesaid, to him the said Plaintiff by the Court of our Lady the Queen here of his assent of Increase adjudged, which Damages in the whole amount unto seventeen pounds seven shillings and eight pence. And the aforesaid Defendants in mercy, &c.

*A writ of Enquiry of Damages awarded*

*The Judgment for the recovery of the damages.*

**E** D. by his Attorney, offereth himselfe the fourth day against *I. M.* Gentleman, of a Plea wherefore he took the Cattell of him the said *E.* and them unjustly detained against Sureties and Pledges, and he came not, and was sought for; Therefore it is considered of, that the aforesaid *I.* should go without day, and the aforesaid *E.* and his Pledges of prosecuting, to wit *John Doe*, and *Richard Roe* should be in mercy, and the aforesaid *I.* should have returne of his Cattell aforesaid, &c. and in what manner that Writ should be executed, he should make known to the Keepers, &c. from the day of Saint *Martin*, in fifteen daies; At which day before the Keepers, &c. at *Westminster*, came the aforesaid *I. M.* in his proper person: And the Sheriff, to wit *W. N.* Esquire returned the Writ aforesaid, in all things served and executed in these words. The Cattell formerly taken, and in this Writ mentioned to the within named *I. M.* I could not return, therefore

*Withernam, and Retorno Habendo in one writ.*

therefore by virtue of the same Writ, I have taken in *Withernam*, of the Cattell of the within named *E.* that is to say, six and twenty Ewes, to the value of the Cattell within mentioned, formerly taken, and the same to the within named *I. M.* I have caused to be delivered, to be held untill the same *I.* should have return of the Cattell aforesaid, by him formerly taken; and the aforesaid *E.* is attached by the Pledges, *I. D.* and *I. F.* afterwards, to wit on Friday next, after fifteen daies of the holy Trinity, then next following, before, &c. at *Westminster*, came the aforesaid *E.* in his proper person, and rendred himselfe to the Prison, &c. who by occasion of the Premises is committed to the Marshall, &c. and, he praies that he may be admitted to the making of his Fine, with the Keepers, &c. by occasion of the contempt aforesaid; And he is fined by the Court of the Keepers, &c. to three shillings and foure pence, which by commandement of the Court here he payed to *D. W.* Coroner and Attorney of the Keepers, &c. in the Court of the Keepers &c. before, &c. for necessary Reparations in the Court here to be made and done, therefore the same *E.* is to be thereof quit: And upon this before, &c. at *W.* came *S. C.* and *R. S.* and became Pledges, and each of them became Pledge for the aforesaid *E.* as well for the Prosecuting his Complaint, as of the Cattell aforesaid, which to the aforesaid *I. M.* in the Court here before, &c. were adjudged by the default of him the said *E.* to be returned, if the return of them should be adjudged, each of the Pledges aforesaid, under the pain of ten pounds, which said Sum of ten Pounds, the Pledges aforesaid, and either of them by himselfe acknowledges to be made of his Lands and Chattels, and to the use of the aforesaid *I.* to be levied, if it shall happen that the aforesaid *E.* shall not deliver the Cattell aforesaid to the aforesaid *I. &c.* upon which the same *E.* by the Statute praies the Writ of the Keepers, &c. of second deliverance, and it is granted unto him, &c. By which Command was given to the Sheriff, that the Cattell aforesaid to the aforesaid *E.* without delay he should cause to be delivered, and that he should put by sure and safe Pledges the aforesaid *I. M.* that he be before, &c. in eight daies of Saint *Michael*, &c. to answer the aforesaid *E.* of the aforesaid taking and detaining of the Cattell aforesaid, the same day is given to the aforesaid *E. &c.* at which day the Plaint aforesaid was adjourned by the Writ of the Keepers, &c. of common adjournment before, &c. at *W.* unto the Morrow of all soules. At which day, before, &c. at *W.* aforesaid came the aforesaid *E.* in his proper person, And the Sherife returns that before the coming of the Writ aforesaid to him thereupon directed, those Cattell by him

Second Deliverance granted.



him in *Withernam* taken were removed as farre of to places unknown unto him by the aforesaid *I. M.* And therefore after the receipt and before the returne of that Writ, the Cattell aforesaid to the aforesaid *E. D.* he could not cause to be delivered according to the purport of the Writ aforesaid. And that the aforesaid *I.* is attached by pledges, to wit *I. D.* and *R. R.* And upon this Command is given to the Sheriff, that he take in *Withernam* so many of the cattell of the aforesaid *I. M.* as are of the value of those cattell, and the same to the aforesaid *E. D.* he cause to be delivered, untill these cattell to the aforesaid *E.* he will deliver, and put by sure and safe pledges the aforesaid *I. M.* that he be before, &c. (such a returne, &c.) to answer the Keepers, &c. as well of the contempt, as the aforesaid, &c. of the damages and injuries to him in that behalfe brought. The same day is given to the aforesaid *E.* &c.



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